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THE

JOURNAL OF THE SENATE

OF THE

STATE OF OHIO:

FOR THE SECOND SESSION

OF THE

FIFTY-THIRD GENERAL ASSEMBLY,

COMMENCING ON

MONDAY, JANUARY 3, 1859,

BEING THE FOURTH LEGISLATURE UNDER THE NEW CONSTITUTION.

VOLUME LV.

COLUMBUS:
RICHARD NEVINS, STATE PRINTER
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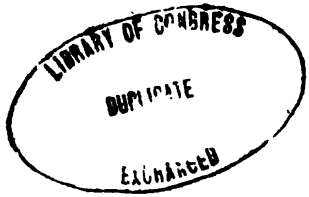

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JOURNAL OF THE SENATE.

CITY OF COLUMBUS,
MONDAY, January 3, 1859.

In pursuance of a previous adjournment, the Senate met in its Chamber, and was opened with prayer by the Rev. J. W. Haven.

On motion, a call of the Senate was had, and twenty-three Senators answered to their names.

Messrs. Thomas, Slade, Perrill, Holloway, Gatch and Henkle, were severally granted leave of absence.

Message from the House of Representatives.

Mr. President:

The House is now in session, and ready to proceed to business.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. Hatch,

A message was sent to the House informing that body that the Senate was now in session, and ready for the transaction of business.

On motion, the rules were suspended so as to allow Mr. Smith to offer a resolution.

Mr. Smith then offered the following resolution:

Resolved, That a committee, consisting of two on the part of the Senate, and —— on the part of the House, be appointed, to wait on the Governor and inform him that the two Houses are assembled in pursuance of the resolution of recess, and ready to receive any communication which he may think proper to make.

Which was agreed to, and Messrs. Smith and Green were appointed said committee on the part of the Senate.

Mr. Winans presented the petition of A. Heveling and 118 others of Greene county, for chain gangs to punish petit larceny.

Referred to the standing committee on the Judiciary.

Message from the House of Representatives.

Mr. President:

The House has passed the following joint resolution, and requests the concurrence of the Senate in the same:

House joint resolution, relative to informing the Governor that the two Houses

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were in session, and ready to receive any communication he might see proper to make.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. Langdon,

The blank in the resolution was filled by inserting the word "two."

Said resolution was then agreed to, and Messrs. Smith and Green were appointed said committee on the part of the Senate.

H. B. No. 251, for the relief of the holders of the bank notes of the Seneca County Bank, was read the second time, and

Referred to the standing committee on Currency.

H. B. No. 260, to amend the seventh section of the act entitled "an act for the prevention of gaming," passed March 12, 1831, as amended by the act of April 17, 1857, entitled "an act to amend an act entitled an act more effectually to prevent gaming," passed January 17, 1846, was read the second time, and

Referred to the standing committee on Municipal Corporations.

S. B. No. 153, conferring certain powers on, and prescribing certain duties of the Board of Public Works, was read the second time, and

Referred to the standing committee on Public Works.

Message from the House of Representatives.

Mr. President:

The House has concurred in S. J. R. No. 43, relative to appointment of committee to wait on the Governor, and has appointed Messrs. West of Logan, Van Vorhes and Hughes of Butler, as the committee on the part of the House.

Attest: JOHN W. KEES, Clerk.

Mr. Smith, from the joint committee appointed to wait upon the Governor, reported that the committee had performed the duty assigned them, and that the Governor would immediately communicate his message in writing to the two branches of the Legislature.

A communication from the Governor was then received by the hands of A. M. Gangewer, Esq., his Private Secretary, containing his annual message, which was read at the Clerk's desk.

On motion of Mr. Hatch,

The message was laid on the table and ordered to be printed.

On motion of Mr. Langdon,

The various portions of the Governor's message was referred to the several standing committees.

The following message was received from the Governor, by the hands of his Private Secretary, A. M. Gangewer, Esq.:

STATE OF OHIO, EXECUTIVE DEPARTMENT,
COLUMBUS, January 3, 1859.

To the General Assembly:

In compliance with the requirements of the law, I herewith transmit the several Reports of the State officers, Boards, and Officers of Public Institutions and Build-

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ings, which have been received by me and printed in conformity with the statute regulating that subject, namely, the Reports of

Secretary of State;

Treasurer of State;

Directors of Penitentiary;

Trustees and Officers of the Southern Lunatic Asylum;

Trustees and Officers of the Northern Lunatic Asylum;

Trustees and Superintendent of the Institution for the Blind;

Trustees and Superintendent of the Institution for the Deaf and Dumb; and

Quarter Master General.

There have been received and placed in the hands of the public printer, but not yet delivered at this office in printed form, the following Reports, namely, of the

Auditor of State;

Board of Public Works;

Trustees of the Asylum for Idiots;

Trustees and Officers of the Central Ohio Lunatic Asylum;

Commissioner of the State House and Commissioner of Reform Schools.

The report of the Commissioner of the State Library has been received but has not yet been sent to the State printer.

No reports have, as yet, been received from the Attorney General, Commissioner of Common Schools, or Commissioners of the Sinking Fund, nor from the Auditor of State, giving a detailed statement of receipts and expenditures of the public money.

There being no provision of law relating to the printing of the report of the Comptroller of the Treasury, I transmit it, in manuscript. But one copy having been furnished to me, it is sent to the Senate.

S. P. CHASE.

The several reports above communicated to the Senate with the exception of the Comptroller's report, were laid on the table and ordered to be printed.

Mr. Westcott gave notice, that, on to-morrow, or some subsequent day of the session, he would introduce a bill to amend an act entitled "an act to provide for the semi-annual collection of taxes," passed April 12, 1858.

Mr. Safford gave notice, that, on to-morrow, or some subsequent day of the session, he would introduce a bill to establish the boundary line between the counties of Pike and Ross.

Mr. Safford offered the following joint resolution:

Resolved by the General Assembly of the State of Ohio, That the Secretary of State be, and is hereby directed to ascertain from the respective county Audiors of the State, the average number of State documents and laws which annually remain in their offices uncalled for, and that he report the same to the General Assembly.

Which was agreed to.

On motion of Mr. Langdon,

The special orders of the day were then taken up, and the following resolutions, bills and petitions were then severally referred as follows:

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Resolution relative to annual session of the Legislature.

Referred to the standing committee on the Judiciary.

Also S. B. No. 1; To provide for the sale or lease of estates tail in certain cases.

Referred to the standing committee on the Judiciary.

S. J. R. No. 36; Relative to the claims of J. W. Allen.

Referred to the standing committee on Claims.

S. B. No. 112; To amend an act entitled "an act to provide for the reorganization, supervision and maintenance of common schools," passed March 14, 1853.

Referred to the standing committee on Common Schools.

S. B. No. 44; "To repeal section seven of an act therein named.

Referred to the standing committee on Municipal Corporations.

H. B. No. 77; To provide for holding additional terms of the Court of Common Pleas of Miami county, to be held at the city of Piqua, for the trial of certain causes therein provided.

Referred to the standing committee on the Judiciary.

H. B. No. 138; To reinstate the contractors to the several contracts made by the Board of Public Works, on the 13th of Nov, 1855, and to authorize the Attorney General to institute legal proceedings against the same, and to repeal so much of the act entitled "an act making appropriation for the Public Works for 1857," passed April 15, 1857, as is inconsistent with this act.

On motion of Mr. Scleich,

Said bill was indefinitely postponed.

H. J. R. No. 50; Relative to furnishing stands in New State House.

Referred to the standing committee on State Buildings.

H. B. No. 107; Regulating the mode of administering assignments in trust for the benefit of creditors.

Referred to the standing committee on the Judiciary.

The petition of the citizens of Jamestown asking that the said village may be made a separate road district.

Referred to the standing committee on Municipal Corporations.

S. B. No. 87; To amend the second section of the act of April 14, 1857, "regulating the publication of the Ohio Reports."

Referred to the standing committee on Public Printing.

S. B. No. 30; To amend an act entitled "an act to provide for the punishment of certain offences therein named," passed March 17, 1857.

Referred to the standing committee on the Judiciary.

S. B. No. 123; To amend an act entitled "an act to regulate Railroad Mortgages," passed Feb. 9, 1858.

Referred to the standing committee on Railroads.

On motion of Mr. Reid,

The Senate adjourned.

Attest: C. W. BLAIR, *Clerk.*

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TUESDAY, JANUARY 4, 1859.

Prayer by the Rev. G. W. Goudy.

Mr. McKelly presented the petition of the probate judge and other officers of Wyandot county, praying for the admission of Jane Ross into the Central Ohio Lunatic Asylum.

Referred to a select committee of one—Mr. McKelly.

Mr. McKelly, from the special committee, to whom was referred the above petition, reported the following joint resolution:

Resolved by the General Assembly of the State of Ohio, That the officers of the Central Lunatic Asylum be and are hereby authorized to admit Mrs. Jane Ross, wife of George Ross, of Crawford county, as an inmate of said institution, and that she be allowed to remain therein so long as the trustees, in their judgment, shall deem necessary and proper.

On motion of Mr. Gard,

Said resolution was referred to the standing committee on Public Benevolent Institutions.

Mr. Miles gave notice that he would, on to-morrow, or some subsequent day of the session, introduce a bill to amend sec. 310 of the act entitled an act to establish a code of civil procedure, so as to permit parties from being examined as witnesses in their own behalf.

Mr. Shideler gave notice, that, on to-morrow, or some subsequent day of the session, he would introduce a bill to amend the eighth section of the act entitled an act to provide against the evils resulting from the sale of intoxicating liquors, passed May 1, 1857.

Mr. Schleich, on leave, introduced the following bill:

S. B. No. 175; Concerning Bridges;

Which was read the first time.

Mr. Cadwell, on leave, introduced the following bill:

S. B. No. 176; Supplementary to an act entitled "an act providing for the punishment of crimes," passed March 7, 1855;

Which was read the first time.

Mr. Miles, on leave, introduced the following bill:

S. B. No. 177; To amend section 14 of the act entitled an act to organize and discipline the Militia and Volunteer Militia, passed March 30, 1857;

Which was read the first time.

Mr. Phelps offered for adoption the following joint resolution:

Resolved by the General Assembly of the State of Ohio, That two thousand copies of the report of the Comptroller of the Treasury be printed for the use of this General Assembly.

On motion, said resolution was referred to the standing committee on Public Printing.

Mr. Phelps offered for adoption the following resolution, which was agreed to;

Resolved, That Mr. Smith be added to the committees on Common Schools and School Lands, and Public Lands and Public Works.

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Mr. Shideler offered for adoption the following resolution, which was agreed to:

Resolved, That the Senate now proceed to elect one Engrossing and one Enrolling Clerk.

The Senate then proceeded to the election of an Enrolling Clerk.

Mr. Schleich nominated Mr. J. C. Jeffries, of Fairfield county.

Mr. Miles nominated Mr. J. A. Goble of Morrow county.

Those who voted for Mr. Jeffries were—

Messrs. Cantwell, Chapman, Corwine, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Phelps, Reid, Shideler, Schleich, Smith, Vanatta and Westcott.—17.

Those who voted for Mr. Goble were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Gard, Gatch, Green, McCleary, Miles and Winans—10.

So Mr. Jeffries having received a constitutional majority was declared duly elected Enrolling Clerk.

The Senate then proceeded to the election of an Engrossing Clerk.

Mr. Shideler nominated Geo. M. Marshall, of Montgomery county.

Mr. Winans nominated J. G. McWhirk, of Greene county.

Those who voted for Mr. Marshall were—

Messrs. Cantwell, Chapman, Corwine, Hatch, Kincaid, Langdon, McKelley, McCleary, Morrow, Murdock, Perkey, Phelps, Reid, Shideler, Schleich, Smith, Vanatta and Westcott—18.

Those who voted for Mr. McWhirk were—

Messrs. Ashmun, Buckland, Cadwell, Gard, Gatch, Miles and Winans—8.

Mr. Canfield voted blank.

So Mr. Marshall having received a constitutional majority, was declared duly elected engrossing clerk, and having taken the oath of office, entered upon the discharge of his duties.

On motion of Mr. Westcott,

The Senate resolved itself into committee of the whole, on the orders of the day, Mr. Westcott in the chair, and after some time spent therein rose and reported back

H. B. No. 127; To repeal an act supplementary to an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and which was passed April 3, 1857, and

On motion, said bill was referred to the standing committee on Municipal Corporations.

Mr. Winans offered for adoption the following resolution:

Resolved, That Mr. Cadwell be added to the standing committee on Public Works, and Mr. Gatch to the standing committee on Common Schools and School Lands.

Mr. Green moved to amend said resolution by striking out the name of Mr. Gatch, and inserting that of Mr. Winans, giving as a reason that Mr. Gatch was already upon said committee, which was agreed to.

Said resolution, as amended, was then agreed to.

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Mr. Canfield, on leave, introduced the following bill:

S. B. No. 178; To repeal an act entitled "an act to amend the act entitled an act fixing the rates of interest, passed January 12, 1821, and all other laws on that subject, passed March 14, 1850;

Which was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 270; To amend the second section of an act passed April 12th, 1858, entitled, "an act to amend an act entitled an act providing for the election of Coroners and Sheriffs, and fixing their term of office," passed March 8th, 1854.

Attest: JOHN W. KERR, Clerk.

Which was read the first time.

On motion of Mr. Phelps,

The constitutional rule was suspended, so as to allow said bill to be read the second time now.

Said bill was then read the second time, and referred to the standing committee on the Judiciary.

Mr. Green asked and obtained leave to record his vote on the election for engrossing clerk, and being called, voted for Mr. McWhirk.

Mr. Schleich, on leave, introduced the following bill:

S. B. No. 179; Supplementary to an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14th, 1853;

Which was read the first time.

Mr. Phelps presented the following communication to the Senate:

To the President of the Senate:

I hereby resign my place as messenger boy of the Senate.

January 4, 1859. CHARLES GILLEN.

On motion of Mr. Langdon,

Said resignation was accepted.

Mr. Langdon offered for adoption the following resolution, which was agreed to:

Resolved, That hereafter, when the Senate adjourns, it shall be until 10 o'clock, A. M.

On motion of Mr. Miles,

The Senate took a recess.

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THREE O'CLOCK, P. M.

Mr. Ashmun from the standing committee on Public Printing, made the following report:

The standing committee on Public Printing, to whom was referred

S. J. R. No. 46; In regard to printing two thousand copies of the Report of the Comptroller of the Treasury, have had the same under consideration, and report the same back without amendment, and recommend its passage.

Said resolution was then agreed to.

Mr. Smith, on leave, introduced a bill:

S. B. No. 180; To amend section twenty-two of an act passed March 7, 1831, entitled an act directing the mode of trial in criminal cases;

Which was read the first time.

On motion of Mr. Schleich,

The Senate adjourned.

Attest: C. W. BLAIR, *Clerk.*

WEDNESDAY, JANUARY 5, 1858.

Prayer by the Rev. G. W. Goudy.

Mr. Jeffries the newly elected enrolling clerk appeared within the bar of the Senate, received the oath of office and entered upon the discharge of his duties.

Mr. Westcott, in pursuance of notice, introduced a bill:

S. B. No. 181; To amend "an act to provide for the semi-annual collection of taxes," passed April 12, 1858;

Which was read the first time.

Mr. Miles, in pursuance of notice, introduced a bill:

S. B. No. 182; To amend section 310 of the act entitled "an act to establish a code of civil proceedure," passed March 11, 1853, and to prevent persons from becoming witnesses in their own behalf;

Which was read the first time.

Mr. Hatch, on leave, from the standing committee on Finance, introduced the following bill:

S. B. No. 183; Making partial appropriations for the year 1859;

Which was read the first time.

Mr. Kincaid offered for adoption the following resolution:

Resolved, That the Senate now proceed to elect a reporting clerk.

Which was agreed to.

The Senate then proceeded to the election of a reporting clerk.

Mr. Schleich nominated James B. Marshall, of Franklin county.

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Those who voted for Mr. Marshall were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—20.

Those who voted blank were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Gard, Gatch, Green, Miles, Taylor and Winans—10.

Mr. McCleary voted for Mr. G. W. Manypenny, of Muskingum county.

So Mr. Marshall having received a constitutional majority, was declared duly elected reporting clerk, and having taken the oath of office, entered upon the discharge of his duties.

Mr. Cadwell offered for adoption the following resolution:

Resolved, That the reporting clerk of the Senate be and he is hereby instructed not to deliver to the publishers of any newspaper for publication, any remarks of any Senator, until he shall have first submitted the same to such Senator for his inspection.

Mr. Green moved to amend by adding the following words, "when applied to by any Senator for that purpose."

On motion of Mr. Phelps,

The above resolution and amendment were laid upon the table.

Mr. Canfield offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That there be printed thirteen hundred extra copies of the message of the Governor—300 copies for the use of the Governor, and 1,000 copies for the use of the members of the General Assembly.

On motion of Mr. Langdon,

The above resolution was referred to the standing committee on Public Printing.

On motion of Mr. Kincaid,

The Senate resolved itself into committee of the whole on the orders of the day, Mr. Green in the chair, and after some time spent therein, rose and reported back sundry bills, some with and some without amendment.

H. B. No. 210; Requiring the certificates of naturalized citizens to be recorded in the office of the township clerk, with sundry amendments.

On motion of Mr. Reid,

Said bill, with the pending amendments, was indefinitely postponed.

H. B. No. 234; To allow the city of Toledo to borrow money for certain purposes therein named, without amendment, and

On motion of Mr. Smith,

Said bill was referred to a select committee of one—Mr. Smith.

S. B. No. 131; To amend the act entitled "an act to establish a code of civil procedure," passed March 11, 1853, without amendment, and on motion,

Said bill was referred to the standing committee on the Judiciary.

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Mr. Hatch offered for adoption the following resolution, which was agreed to:

Resolved, That 500 copies of the list of standing committees of the Senate, as amended, be printed.

Message from the House of Representatives.

Mr. President:

The House has passed the following joint resolution, and requests the concurrence of the Senate in the same:

H. J. R. No. 58; Relative to printing certain documents in German.

Attest: JOHN W. KEES, Clerk.

On motion, said resolution was referred to the standing committee on Public Printing.

On motion, the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Green offered for adoption the following resolution, which was agreed to:

Resolved, That the standing committee on municipal corporations be instructed to inquire if any additional legislation is needed to prevent a conflict of authority between the municipal authorities of incorporated cities and villages, and supervisors of roads and highways, over parts of State and county roads lying within the corporate limits of cities and villages; and report by bill or otherwise.

Mr. Kincaid from the standing committee on Public Benevolent Institutions reported back,

S. J. R. No. 45; Relative to the admission of Mrs. Jane Rose into the Central Ohio Lunatic Asylum, without amendment, and

On motion of Mr. Taylor,

Said resolution was referred to the standing committee on the Judiciary.

Mr. Westcott gave notice, that, on to-morrow, or some subsequent day of the session he would introduce a bill to amend sections six and fifteen of an act entitled "an act to provide for the better regulation of the receipt, disbursement and safe keeping of the public revenue," passed April 12, 1858.

On motion of Mr. Ashmun,

The Senate adjourned.

Attest: C. W. BLAIR, *Clerk.*

THURSDAY, JANUARY 6, 1859.

Prayer by the Rev. G. W. Goudy.

Mr. Phelps presented the memorial of John H. Steineman, in regard to the Loramie lands,

Referred to the standing committee on Claims.

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Mr. Safford from the standing committee on Public Printing, reported back,

H. J. R. No. 58; Relative to printing certain reports in the German Language, with an amendment, which was agreed to.

Said resolution, as amended, was then agreed to.

Mr. Safford from the same committee reported back

S. J. R. No. 47; Relative to printing extra copies of the Governor's Message, and recommended its passage.

Said resolution was then agreed to.

Mr. Smith from the select committee to whom was referred

H. B. No. 234; To allow the city of Toledo to borrow money for certain purposes therein named, reported the same back without recommendation.

Mr. Westcott moved to amend as follows:

1st amendment—In section 1, line 6, strike out the word "seven" and insert the word "six" in its place.

2d amendment—In section 1, line 14 after the word "borrowed" insert the words "provided, that no such bonds or certificate shall be sold or disposed of at less than the amount expressed upon their face."

3d amendment—Strike out all of section 1, after the word "for," where it occurs in line 17, and insert the following: "And for that purpose said city council is hereby authorized to levy a city tax on the taxable property of said city for the payment of the annual interest on said bonds or certificates, and for the redemption thereof when the same becomes due.

Said amendments were then agreed to.

The question then being on ordering said bill to be read the third time now, the same was decided in the affirmative.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were ordered, and being called, resulted yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—31.

So said bill having received a constitutional majority, was passed.

Ordered, that the title be as aforesaid.

S. B. No. 183; Making partial appropriations for the year 1859,

Was read the second time, and

On motion of Mr. Hatch,

Said bill was committed to the committee of the whole, and made the special order of the day for this day.

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The following bills were severally read the second time, committed to the committee of the whole, and made the order of the day for this day:

S. B. No. 179; Supplementary to an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853.

S. B. No. 176; Supplementary to an act entitled "an act providing for the punishment of crimes," passed March 7, 1855; and

S. B. No. 175; Concerning bridges.

Mr. Taylor, on leave, introduced the following bill:

S. B. No. 184; Transferring certain appropriations for the Benevolent Institutions;

Which was read the first time.

On motion of Mr. Taylor,

The constitutional rule was suspended by a vote of three-fourths of the members present, so as to allow said bill to be read the second and third times now.

Said bill was then read the second time.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and being called, resulted yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Kincaid, Langdon, McCleary, McKelley, Miles, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—31.

So said bill having received a constitutional majority, was passed.

Ordered, that the title be as aforesaid.

Mr. Miles gave notice that he would, on to-morrow, or some subsequent day of the session, introduce a bill to amend section one of the act passed April 8th, 1856, entitled "an act to amend the act to provide for the organization of cities and incorporated villages," passed May 3d, 1852.

Mr. Westcott, in pursuance of notice, introduced a bill:

S. B. No. 185; To amend section six and fifteen of the act entitled "an act to provide for the better regulation and safe keeping of the public revenue," passed April 12, 1858;

Which was read the first time.

Mr. Ashmun, on leave, introduced a bill,

S. B. No. 186; Relating to taxes for school purposes in the town of Akron;

Which was read the first time.

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Mr. Cadwell, on leave, introduced a bill,

S. B. No. 187; To authorize county commissioners to reduce the width of county roads;

Which was read the first time.

Mr. Phelps offered for adoption the following resolution, which was agreed to:

Resolved, That a select committee of seven be appointed to revise the existing laws regulating the assessment and collection of taxes.

Message from the House of Representatives.

Mr. President:

The House has concurred in the following Senate joint resolutions:

S. J. R. No. 44; Relative to surplus documents and laws annually uncalled for from county auditors.

S. J. R. No. 46; Relative to printing report of Comptroller of the Treasury.

Attest: JOHN W. KERR, Clerk.

Mr. Schleich, offered for adoption the following joint resolution, which was agreed to:

S. J. R. No. 48; *Resolved by the General Assembly of the State of Ohio*, That the two Houses meet in joint convention, on to-morrow, January 7, 1859, at half-past three o'clock, P. M., in the hall of the House, for the purpose of counting the votes cast at, and declaring the result of the election held on the second Tuesday of October, 1858.

Mr. Schleich offered for adoption the following resolution, which was agreed to:

Resolved, That the chairman of each committee be and he is hereby requested to furnish to the chairman of the Finance committee, at the earliest day practicable, an estimate of the amount of appropriations necessary for the departments of the government pertaining to each committee respectively.

On motion of Mr. Langdon,

The Senate adjourned.

Attest: C. W. BLAIR, *Clerk.*

FRIDAY, JANUARY 7, 1859.

Prayer by the Rev. G. W. Goudy.

The following bills were severally read the second time, committed to the committee of the Whole, and made the order of the day for this day:

S. B. No. 177; To amend section 14 of the act entitled "An act to organize and discipline the militia and volunteer militia," passed March 30, 1857.

S. B. No. 178; To repeal an act entitled "An act to amend the act entitled an act fixing the rates of interest, passed March 12, 1824, and all other laws on that subject," passed March 14, 1850.

S. B. No. 180; To amend section 22 of an act passed March 7, 1831, entitled "An act directing the mode of trial in criminal cases."

S. B. No. 182; To amend section 310 of the act entitled "An act to establish a code of civil procedure," passed March 17, 1853.

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Message from the House of Representatives.

Mr. President:

The House has concurred in Senate amendments to

H. J. R. No. 58; Relative to printing certain documents in the German language.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has concurred in Senate amendments to

H. B. No. 234; To allow the city of Toledo to borrow money for certain purposes therein named.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 237; To amend section one of an act entitled "An act to regulate inclosures and to provide against trespassing animals," passed January 17, 1840.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has concurred in

S. J. R. No. 47; Relative to printing extra copies of the Governor's message.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 272; Authorizing the issue of preferred stock for the extension of the Cincinnati, Wilmington and Zanesville railroad.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Mr. Shideler, on leave, introduced a bill;

S. B. No. 188; To amend the act entitled an act to provide against the evils resulting from the sale of intoxicating liquors in the State of Ohio, passed May 1, 1838;

Which was read the first time.

On motion of Mr. Gatch,

The Senate resolved itself into committee of the Whole on the orders of the day,

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Mr. Safford in the chair; and after some time spent therein, rose and reported back

S. B. No. 183; Making partial appropriations for the year 1859, with sundry amendments;

Which was agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative. Said bill was then ordered to be engrossed and read the third time to morrow.

On motion of Mr. Green,

The Senate resolved itself into committee of the Whole on the orders of the day —Mr Cadwell in the chair; and after some time spent therein, rose and reported that they had had under consideration sundry bills, that they had progressed therein, and asked and obtained leave to sit again.

Mr. Cantwell offered the following resolution, which was agreed to:

Resolved, That the Sergeant-at-arms of the Senate, and his assistants, and the Messenger boys be allowed for two days services each, for preparing the chamber and making arrangements for the session.

Message from the House of Representatives.

Mr. President:

The House has concurred in

S J. R. No. 48; Relative to joint convention for counting votes;

With amendments, in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

Said amendments were severally agreed to.

Mr. Canfield, on leave, introduced a bill—

S. B. No. 189; To amend section thirty-six of an act providing for the punishment of crimes, passed March 7, 1835;

Which was read the first time.

Mr. Miles offered for adoption the following resolution, which was agreed to:

Resolved, That the committee on Common Schools and School Lands be instructed to inquire into and report to the Senate, whether any change in the school law is necessary to enforce the collection of a tax for building or repairing school houses, or for other purposes, from persons residing in an adjoining township to the one in which the school house is situate, and who are attached to said township, for school purposes, and are accommodated by the school house thus erected.

On motion of Mr. Phelps,

The Senate took a recess until half-past 2 o'clock P. M.

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HALF-PAST TWO O'CLOCK P. M.

Message from the House of Representatives.

Mr. President:

The House is now ready for the reception of the members and officers of the Senate in joint convention, for the purpose of counting the votes for Attorney General.

Attest: JOHN W. KEES, Clerk.

On motion, the Senate then repaired to the Hall of the House of Representatives, and being seated therein, a call of the Senate was had, and a quorum of the members found present.

The President of the Senate, in the presence of the House, then proceeded to open and publish the returns for Attorney General.

Before the opening and publishing was complete,

On motion, the joint convention took a recess until half-past five o'clock P. M.

The Senators then repaired to their chamber, and

On motion of Mr. Phelps,

The committee of the whole was discharged from the further consideration of

H. B. No. 143; "Providing for the sale of certain of the Public Works of the State of Ohio," and the same was laid on the table and ordered to be printed.

On motion, a call of the Senate was ordered, and twenty Senators answered to their names.

A quorum being present, all further proceedings under the call were dispensed with.

On motion of Mr. Phelps,

The Senate resolved itself into committee of the whole, and after some time spent therein, rose and reported back sundry bills, some with and some without amendments.

H. B. No. 142; To preserve the purity of elections with amendments.

Recommitted to the standing committee on Privileges and Elections.

S. B. No. 56; In relation to the taking of depositions, with amendments.

Referred to the standing committee on the Judiciary.

S. B. No. 60; To provide for the collection of debts against Railroad Companies, without amendment.

Recommitted to the standing committee on Railroads.

Mr. Miles, on leave, introduced a bill:

S. B. No. 190; To amend the 1st section of the act passed April 12, 1858, entitled an act defining the jurisdiction and regulating the practice of Probate Courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson; which was read the first time.

On motion of Mr. McCleary,

The Senate took a recess till half-past five o'clock P. M.

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HALF-PAST FIVE O'CLOCK P. M.

The Senators proceeded to the Hall of the House of Representatives, and a call of the Senate being had, 17 members answered their names. The Sergeant-at-arms was despatched after the absentees.

Several members appearing within the bar of the Senate,

On motion of Mr. Schleich,

All further proceedings under the call were dispensed with

The President of the Convention then resumed the opening and publishing of the returns for Attorney General.

(*For abstract of votes see Appendix to Senate Journal.*)

The President of the Senate then made the following announcement:

Having opened and published in the presence of a majority of the members of each House of the General Assembly, the returns of the election held on the second Tuesday of October 1858, for Attorney General, I now in the same presence declare the result to be as follows:

That for Attorney General of the State of Ohio, Christopher P. Wolcott had 183,021 votes, that Durbin Ward had 162,137, and that there were scattering 143 votes.

C. P. Wolcott having the highest number of votes for the office of Attorney General, is elected to that office for the term of two years, commencing on the second Monday of January, 1859.

The Senators then repaired to their chamber, and

On motion of Mr. Reid,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

SATURDAY, JANUARY 8, 1859.

Prayer by the Rev. G. W. Goudy.

Mr. Westcott presented the petition of T. O'Connell and 8 others, residents of Lucas county, remonstrating against the sale of the canals of the State.

Referred to the committee on Public Works.

Mr. Westcott presented the petition of E. E. Braisted and 40 others, residents of Lucas county, remonstrating against the sale of the canals of the State.

Referred to the committee on Public Works.

Mr. Westcott presented the petition of Burn Walbridge & Co. and 10 others, residents of Lucas county, remonstrating against the sale of the canals of the State.

Referred to committee on Public Works.

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Mr. Westcott presented the petition of T. H. Timpany and 38 others, residents of Lucas county, remonstrating against the sale of the canals of the State.

Referred to the committee on Public Works.

The following bills were severally read the second time, committed to a committee of the whole Senate and made the order of the day for this day:

S. B. No. 181; To amend an act entitled "An act to provide for the semi-annual collection of taxes," passed April 12, 1858.

S. B. No. 187; To authorize county commissioners to reduce the width of county roads.

S. B. No. 186; Relating to taxes for school purposes in the town of Akron.

H. B. No. 237; To amend section one of an act entitled "An act to regulate inclosures and to provide against trespassing animals," passed January 19, 1840.

The following bill was read a second time,

And on motion of Mr. Schleich,

Was ordered to be read a third time on Monday next:

H. B. No. 272; Authorizing the issue of preferred stock for the extension of the Cincinnati, Wilmington and Zanesville Railroad.

S. B. No. 183; Making partial appropriations for the year 1859, was read the third time.

Mr. Westcott moved to amend, by adding to section one an appropriation of $501 15 for engraving and printing engravings for the use of the State Board of Agriculture; which was agreed to.

Mr. Winans moved to amend by adding an appropriation of $1,000 for Martha McLaughlin, in lieu of the sum appropriated by the act for the relief of Martha McLaughlin, passed April 12, 1858; which was agreed to.

Mr. Kincaid moved to amend by adding an appropriation of $2,000 for bedsteads, bedding and repairs for the Deaf and Dumb Asylum; which was agreed to.

The question then recurring on the passage of the bill,

The yeas and nays were ordered and resulted yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Safford, Shideler, Taylor, Thomas, Vanatta, Westcott and Winans—27.

Mr. Canfield gave notice, that, on Monday, or some subsequent day of the session, he would ask leave to introduce a bill to provide for a geological survey of the State.

The following bill was introduced into the Senate:

By Mr. Chapman—S. B. No. 191; To amend the act entitled "An act to prevent the running at large of bulls, boars and bucks," passed April 12, 1858 and took effect May 1, 1858; and read the first time.

On motion of Mr. Safford,

The Senate adjourned.

Attest: CHAS. W. BLAIR, Clerk.

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MONDAY, JANUARY 10, 1859.

Prayer by the Rev. B. W. Spahr.

Mr. Smith presented the petition of David Hicks and 90 others, asking a law taking the issuing of marriage licences from the probate court, and authorising the clerk of the court of common pleas to grant the same.

Referred to the standing committee on the Judiciary.

The following bills were severally read the second time, committed to the committee of the whole Senate, and made the order of the day for this day:

S. B. No. 185; To amend sections 6 and 15 of an act entitled "An act to provide for the better regulation of the receipt, disbursement and safe keeping of the public revenue," passed April 12, 1858.

S B. No. 188; To amend the act entitled "An act to provide against the evils resulting from the sale of intoxicating liquors in the State of Ohio," passed May 1, 1854.

S. B. No. 189; To amend section 36 of an act entitled "An act providing for the punishment of crimes," passed March 7, 1835; was read the second time,

And on motion,

Referred to the standing committee on the Judiciary.

S. B. No. 190; To amend section 1 of the act passed April 12, 1858, entitled "An act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson,"

Was read the second time,

And on motion,

Was referred to a select committee of one—Mr. Miles.

S. B. No. 191; To amend the act entitled "An act to prevent the running at large of bulls, bucks and boars," passed April 12, 1858, and took effect May 1, 1858;

Was read the second time and referred to the standing committee on Agriculture.

H. B. No. 272; Authorizing the issue of preferred stock for the extension of the Cincinnati, Wilmington and Zanesville railroad;

Was read the third time.

Mr. Langdon moved to refer said bill to the standing committee on Corporations other than Municipal; which was lost.

On motion of Mr. Henkle,

Said bill was referred to the standing committee on the Judiciary.

Mr. Buckland gave notice, that, on to-morrow, or some subsequent day of the session, he would introduce a bill to amend section 2 of the act to relieve the district courts, and to give greater efficiency to the judicial system of the State, passed April 12, 1858.

Mr. Buckland gave notice, that, on to-morrow, or some subsequent day of the session, he would introduce a bill to amend sections 231 and 239 of the act to establish a code of civil procedure.

Mr. Safford gave notice, that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to authorize a geological survey of the State.

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Mr. Thomas presented the memorial of the Canal Convention, lately held in Columbus, relative to the Public Works of the State; and, on motion, said memorial was laid on the table and ordered to be printed.

On motion of Mr. Langdon,

The Senate resolved itself into committee of the Whole on the orders of the day—Mr. Henkle in the chair; and after some time spent therein, rose and reported back sundry bills, some with and some without amendment:

S. B. No. 137; To repeal sections 1 and 2 of an act entitled "an act securing to married women such personal property as may be exempt from execution, and also enabling them to control their own earnings, and the earnings of their minor children, in certain cases," passed April 17, 1857;

With an amendment, and striking out all after the enacting clause.

On motion, said bill, with the pending amendment, was indefinitely postponed.

S. B. No. 186; Relating to taxes for school purposes in the town of Akron;

Without amendment; and, on motion, said bill was referred to the standing committee on Common Schools and School Lands.

S. B. No. 187; To authorize county commissioners to reduce the width of county roads;

Without amendment; and, on motion, said bill was referred to the standing committee on Roads and Highways.

H. B No. 237; To amend section one of an act entitled "an act to regulate inclosures, and to provide against trespassing animals," passed January 17, 1840;

Without amendment; and, on motion, said bill was referred to the standing committee on Agriculture.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 298: To authorize the commissioners of Butler county to borrow money, and to levy taxes for purposes therein named.

Attest: JOHN W. KUHS, Clerk.

Said bill was read the first time.

On motion of Mr. Smith,

The constitutional rule was suspended so as to allow said bill to be read the second and third times now.

Said bill was then read the second time, and ordered to be read the third time now.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were ordered, and being called, resulted, yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cass, Chapman, Corwine, Gard,

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Gatch, Green, Henkle, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Reid, Safford, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta and Westcott—28.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 184; Transferring certain appropriations for the benevolent institutions.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Westcott,

The Senate took a recess.

THREE O'CLOCK P. M.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 280; To authorize the town council of the town of Ashland to borrow money to pay indebtedness on the town hall of said town.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 183; Making partial appropriations for the year 1859.

Attest: JOHN W. KERR, Clerk.

Mr. Canfield offered for adoption the following resolution:

Resolved, That the committee on Public Benevolent Institutions be instructed to report to the Senate at an early period of the session, a bill to contain the following provisions:

1st. To authorize and instruct the Trustees of the Asylum for the deaf and dumb to purchase or receive by donation a farm for the use of said Institution, not exceeding one hundred acres, nor less than seventy-five acres, at a cost to be limited by said bill.

2d. That as soon as such farm be selected and such selection be approved by the General Assembly, if in session, but if not, then by the Governor. Said Trustees shall proceed to the erection of a building, on said farm, for the accomodation of at least 300 pupils, with suitable workshops attached; said building to be erected

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on the plan reported to the General Assembly at its session of 1857, or if said Trustees shall, upon careful inquiry, consider the "family system," so called, most advisable, then they may erect said buildings in accordance with said plan.

3d. As soon as said new Asylum is finished, and furnished, and ready for the reception of pupils, the said Trustees shall proceed to sell and dispose of the real estate, now occupied by the present Asylum, and of such other property as shall then be of no longer use to said institution.

4th. To amend the present law, so that parents and guardians shall be required to defray the expenses of their children or wards in whole or in part, according to pecuniary ability, while such children or wards may continue in said institution, but sustaining and educating pupils as at present, when such pecuniary ability does not exist.

On motion, said resolution was laid on the table and ordered to be printed.

Mr. Chapman offered for adoption the fololw ng resolution:

Resolved, That the Sergeant-at-arms be instructed to procure for the use of each member of the Senate a copy of the debates of the Constitutional Convention;

Which was agreed to.

On motion of Mr. McKelley,

The Senate resolved itself into committee of the Whole, on the orders of the day, Mr. Reid in the chair, and after some time spent therein rose and reported back sundry bills, some with and some without amendment.

S. B. No. 195; Concerning bridges, with an amendment, striking out all after the enacting clause.

Mr. Cadwell moved that said bill be indefinitely postponed, on which motion the yeas and nays were demanded, and being ordered, resulted—yeas 10, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Canfield, Gatch, Henkle, Kincaid, McCleary, McKelly, Safford and Wescott—10.

Those who voted in the negative were—

Messrs. Ashmun, Corwine, Gard, Green, Hatch, Langdon, Miles, Morrow, Murdock, Perkey, Reid, Shideler, Schleich, Smith, Taylor, Thomas and Vanatta—17.

So said motion was not agreed to.

On motion, said bill was referred to the standing committee on Roads and Highways.

S. B. No. 180; To amend section 22 of an act passed March 7, 1831, entitled "An act directing the mode of trial in criminal cases," with sundry amendments,

And on motion, said bill with the pending amendments was referred to the standing committee on the Judiciary.

S. B. No. 179; Supplementary to an act entitled "An act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1858, with sundry amendments,

And on motion, said bill with the pending amendments was referred to the standing committee on the Judiciary.

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Mr. Taylor, on leave, introduced a bill:

S. B. No. 192; Prescribing the time when the official term of judges of the court of common pleas shall begin;

Which was read the first time.

On motion,

The constitutional rule was suspended so as to allow said bill to be read the second time.

Said bill was then read the second time.

Mr. Langdon moved to refer said bill to the standing committee on the Judiciary, which was lost.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed,

And on motion of Mr Langdon,

Ordered to be read the third time on Wednesday the 12th of January.

On motion of Mr. Canfield,

S. B. No 178; To repeal an act entitled "An act to amend the act entitled an act fixing the rate of interest passed January 12, 1824, and all other laws on that subject," passed March 14, 1850;

Was made the special order of the day for Tuesday, the 25th of January, 1859;

Mr. Westcott gave notice, that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to amend an act in relation to roads and highways, passed April 12, 1858.

On motion of Mr. McCleary,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

TUESDAY, JANUARY 11, 1859.

Prayer by the Rev. B. N. Spahr.

Mr. Morrow, from the standing committee on Schools and School Lands, reported back

S. B. No. 186; Relative to taxes for school purposes in the town of Akron, with one amendment;

Which was agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk and ordered to be read the third time now.

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Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were demanded, and being ordered, resulted—yeas 28, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, McCleary, McKelly, Miles, Morrow, Perkey, Phelps, Reid, Safford, Schleich, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—28.

Mr. Langdon voted in the negative.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Reid, from the majority of the standing committee on the Judiciary, reported back

H. B. No. 272; Authorizing the issue of preferred stock for the extension of the Cincinnati, Wilmington and Zanesville railroad;

And recommended its passage.

The question then being,

"Shall the bill pass?"

The yeas and nays were demanded, and being ordered, resulted—yeas 24, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Miles, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Shideler, Smith, Taylor, Westcott and Winans—24.

Those who voted in the negative were—

Messrs. Cantwell, Langdon, McKelly, McCleary and Thomas—5.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. McKelly, from the standing committee on the Judiciary, reported back

S. B. No. 189; To amend section 36 of an act entitled "An act providing for the punishment of crimes," passed March 7, 1835, and recommended its passage.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read the third time now.

Said bill was read the third time, and,

On motion of Mr. Safford,

Was referred to a select committee of one—Mr. Safford.

H. B. No. 280; To authorize the town council of the town of Ashland to borrow money to pay indebtedness on the town hall of said town;

Was read the second time, and committed to the committee of the Whole, and made the order of the day for this day.

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Mr. Phelps gave notice, that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to regulate the disbursements of public money on the Public Works of the State of Ohio.

Mr. Westcott, on leave, and in pursuance of notice, introduced a bill:

S. B. No. 193; To amend section 6 of an act entitled "an act supplementary to an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed January 13, 1853, and to repeal an act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed April 8, 1856; also prescribing the duties of county commissioners, county auditors, township clerks and supervisors; also to repeal certain other acts therein named, passed April 12, 1858;

Which was read the first time.

Mr. Schleich, on leave, and in pursuance of notice, introduced a bill:

S. B. No. 194; Re-enacting section one of an act entitled an act to provide for the collection of claims against steamboats and other water crafts, and authorising proceedings against the same by name, passed February 26, 1840;

Which was read the first time.

Mr. Buckland, on leave, and in pursuance of notice, introduced a bill:

S. B. No. 195; To amend section 2 of the act entitled "an act to relieve the district courts, and to give greater efficiency to the judicial system of the State, passed April 12, 1858. Also,

S. B. No. 196; To amend sections 231 and 239 of the code of civil procedure;

Severally read the first time.

Mr. Hatch, on leave, and in pursuance of notice, introduced a bill:

S. B. No. 197; To provide for the renewal and to regulate the final payment of the funded debt of this State;

Which was read the first time.

The President announced, as the special committee to revise the tax law, Messrs. Phelps, Hatch, Taylor, Langdon, Buckland, Canfield and Westcott.

Mr. Safford, from the select committee to whom was referred

S. B. No. 189; To amend section 36 of an act entitled "an act providing for the punishment of crimes," passed March 9, 1835,

Reported the same back with an amendment; which was agreed to.

Mr. Winans moved further to amend as follows:

Strike out of 9th and 10th lines the words, "or be punished with death, as the occasion may require;"

Which was lost.

The question then being

"Shall the bill pass?"

The yeas and nays were demanded, and being ordered, resulted—yeas 27, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Langdon, McCleary, McKelly, Miles,

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Perkey, Phelps, Reid, Safford, Shideler, Smith, Taylor, Thomas, Vanatta and Westcott—27.

Mr. Winans voted in the negative—1.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Westcott,

The Senate resolved itself into committee of the Whole on the orders of the day—Mr. Smith in the chair; and after some time spent therein, rose and reported back

H. B. No. 231; To provide for locating, establishing and constructing ditches and water courses;

Without amendment; and

On motion of Mr. Smith,

Said bill was referred to a select committee of five—Messrs. Buckland, Westcott, Henkle and Winans.

At the request of Mr. Smith, Mr. Phelps was made chairman of said committee.

The following communication was received from the Governor by the hands of his Private Secretary, A. M. Gangewer, Esq.:

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, January 11, 1859.

To the General Assembly of the State of Ohio:

I have the honor to transmit a Report made to me by the Adjutant General. It is a report not required by law, but rendered important by the provisions of the act to reorganize and discipline the Militia and Volunteer Militia.

Regarding the information communicated and the suggestions made by it as well deserving legislative consideration, it has seemed to me proper to lay this Report before you for such disposition as, in your judgment, the public interests may require. A copy is sent to each House.

S. P. CHASE.

On motion of Mr. Schleich,

The Report was laid on the table and ordered to be printed.

On motion of Mr. Shideler,

The Senate took a recess.

THREE O'CLOCK P. M.

Mr. Perkey asked and obtained leave of absence for this afternoon.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills, and they are now ready for the signature of the President of the Senate:

S. B. No. 183; Making partial appropriations for the year 1859.

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S. B. No. 184; Transferring certain appropriations for the Benevolent Institutions.

H. B. No. 292; To authorize the commissioners of Butler county to borrow money and to levy taxes for purposes therein named.

Attest: JOHN W. KERR, Clerk.

The President of the Senate, in the presence of the Senate, then signed the foregoing enrolled bills, as required by the constitution.

On motion of Mr. Miles,

The Senate resolved itself into committee of the whole, on the orders of the day, Mr. Miles in the chair, and after some time spent therein, rose and reported back sundry bills, some with and some without amendment, as follows:

S. B. No. 185; To amend sections 6 and 15 of an act entitled "an act to provide for the better regulation of the receipt, disbursement and safe keeping of the public revenue," passed April 12, 1859, without amendment, and on motion,

Said bill was referred to the select committee on taxation.

S. B. No. 188; To amend the act entitled "an act to provide against the evils resulting from the sale of intoxicating liquors in the State of Ohio," passed May 1st, 1854, with sundry amendments.

On motion, said bill, with the pending amendments, was referred to the standing committee on the evils resulting from the sale of intoxicating liquors.

The following communication was received from the Governor by the hands of his private secretary, A. M. Gangewer, Esq.:

STATE OF OHIO, EXECUTIVE DEPARTMENT,
COLUMBUS, January 11, 1859.

To the General Assembly of the State of Ohio:

I herewith transmit in printed form the report of the Auditor of State, the report of the New State House Commissioners, and the report of the Trustees of the Ohio State Asylum for Idiots. The numbers of each report required by law to be printed in pamphlet form, with brochure covers, are now ready for delivery to the General Assembly, and to the several officers and boards entitled to the same.

S. P. CHASE.

Mr. Langdon, from the standing committee on rules, reported sundry rules, (see Appendix to Senate Journal) and asked that the same be laid on the table and ordered to be printed;

Which was agreed to.

Message from the House of Representatives.

Mr. President:

The House has refused to pass

S B No. 118; To amend section 1, of the act passed January 4th, 1838, and entitled "an act to amend the act entitled, 'an act making provisions for carrying into effect the act for the punishment of convicts,' passed February 26th, 1835, and an act entitled 'an act regulating the fees of sheriffs in civil and criminal cases,'" passed March 13th, 1837.

Attest: JOHN W. KERR, Clerk.

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On motion of Mr. Morrow,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

WEDNESDAY, JANUARY 12, 1859.

Prayer by the Rev. B. N. Spahr.

Mr. Westcott presented the petition of J. J. Parks, J. S. Norton, and 61 others, residents of Wood county, remonstrating against the sale of the canals of the State.

Referred to the committee on Public Works.

Mr. Smith presented the petitions of Alexander McDonald and 49 others, praying for a restoration of the power of the clerk of the court of common pleas to issue marriage licenses.

Referred to the standing committee on the Judiciary.

Mr. Hatch, from the standing committee on Finance, reported back

S. B. No. 75; To amend sections 27 and 29 of "an act prescribing the duties of county auditors," passed March 23, 1840, and

On motion, said bill was referred to the select committee appointed to revise the taxation laws.

Mr. Hatch, from the same committee reported back

S. B No. 74; To amend the fourth section of an act entitled "an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," passed April 15, 1832.

Referred to the same committee.

Also, from the same committee,

S. B. No. —; To repeal an act entitled "an act further defining the duties of County Treasurers," passed April 8, 1856, and the act amendatory thereto, passed April 10, 1857.

Referred to the same committee.

S. B. No. 192; Prescribing the time when the official term of the judges of the court of common pleas, shall begin, was read the third time.

The question then being

"Shall the bill pass?"

The yeas and nays were demanded, and being ordered, resulted yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Phelps, Safford, Shideler, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—30

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

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Mr. Safford offered for adoption the following resolution, which was agreed to:

Resolved by the General Assembly of the State of Ohio, That there be printed twelve hundred copies of the Report of the Adjutant General; three hundred for the use of the Adjutant General, and nine hundred for the use of the General Assembly, and that said report be printed in the Appendix to the Senate Journal.

On motion of Mr. Phelps,

The Senate resolved itself into committee of the whole, on the orders of the day, Mr. Langdon in the chair, and after some time spent therein rose, and reported progress, and asked and obtained leave to sit again.

Message from the House of Representatives,

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 278; Supplementary to an act entitled "an act defining certain duties of clerks, sheriffs and prosecuting attorneys, passed February 26, 1842.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

Mr. Perkey, from the standing committee on Roads and Highways, reported back

S. B. No. 187; To authorize county commissioners to reduce the width of county roads, with sundry amendments;

Which were agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed, and ordered to be read the third time to-morrow.

Mr. Shideler, on leave, introduced a bill:

S. B. No. 198; To amend section 165 of an act, entitled an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables, in civil courts, passed March 14, 1833;

Which was read the first time.

On motion of Mr. Phelps,

The Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Green, on leave, presented the memorial of Gov. Samuel Medary, praying for a law remunerating him for certain public printing,

And on motion, said memorial was laid on the table and ordered to be printed.

Mr. Miles offered for adoption the following resolution, which was agreed to:

WHEREAS, Information has been received from Mr. Van Slyke, the present warden of the Ohio Penitentiary, that there is now in his hands the sum of $79 42, which came into the possession of the former warden, to wit: Mr. Ewing, by virtue of the decease of John Philips, who had been for near thirty years, and was at his decease, a convict in the Ohio Penitentiary; and,

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WHEREAS, Notice has been given in the papers printed in Butler county, Ohio, (from where said convict was sentenced.) of the decease of said convict, and of the amount of money to his credit in said institution, and no information having been received that there is any relatives of the deceased entitled to the amount above stated; therefore,

Resolved by the General Assembly of the State of Ohio, That the warden be and he is hereby instructed and required to pay over to the officer having charge of the library in the Penitentiary, the amount of funds above stated, to be by said officer paid out for books for the use of the convicts.

Mr. Safford offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That the reporting clerk of each branch of this assembly furnish a daily report of the proceedings and debates of each of said bodies, to the Ohio Statesman and the Ohio State Journal, in due time for their respective issues. Provided, the proprietors of said papers shall receive two dollars and fifty cents per column each, and no more, for publishing the same in their daily and tri-weekly issues; and provided further, that the proceedings of each day shall be published entire on the succeeding day.

On motion of Mr. Langdon,

Said resolution was laid on the table.

Mr. Winans asked leave of absence from to-day, until next Monday, which was granted.

On motion of Mr. McCleary,

The Senate resolved itself into the committee of the Whole on the orders of the day—Mr. Langdon in the chair, and after some time spent therein, rose and reported progress, asked and obtained leave to sit again.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills and joint resolutions, and the same are now ready for the signature of the President of the Senate:

S. J. R. No. 47; Relative to printing extra copies of the Governor's message.

S. J. R. No. 48; Relative to joint convention for counting votes for Attorney General.

H. J. R. No. 58; Relative to printing certain documents in the German language.

S. J. R. No. 46; Relative to printing report of Comptroller of the Treasury.

S. J. R. No. 44; Relative to surplus documents and laws annually uncalled for from county auditors.

H. B. No. 179; To authorize the sale of any and all of the shares of stocks held by the State in the turnpike companies of this State, and to amend section one of an act in relation to the duties of Commissioners of the Sinking Fund, passed May 1, 1854.

H. B. No. 272; Authorizing the issue of preferred stock for the extension of the Cincinnati, Wilmington and Zanesville Railroad.

Attest: JOHN W. KERR, Clerk.

The President of the Senate then, in the presence of the Senate, proceeded to sign the foregoing enrolled bills and joint resolutions, as required by the constitution

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Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 147; To fix the compensation of county commissioners.

Attest: JOHN W. KERR, Clerk.

Said bill was then read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 109; To amend section 10 of an act passed March 11, 1853, to provide for the publication of the general laws in newspapers, and to repeal an act entitled an act to provide for an early publication of the laws, and for other purposes, passed March 23, 1856;

With amendments, in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Westcott,

Said bill with pending amendments was referred to the standing committee on Public Printing.

The following communication was received from the Governor by the hands of his private secretary, A. M. Gangewer, Esq.:

STATE OF OHIO, EXECUTIVE DEPARTMENT,
COLUMBUS, January 12, 1859.

To the General Assembly of the State of Ohio:

I herewith transmit in printed form the report of the trustees and officers of the Central Ohio Lunatic Asylum. S. P. CHASE.

On motion of Mr. Green,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

THURSDAY, JANUARY 13, 1859.

Prayer by the Rev. B. N. Spahr,

Mr. Canfield presented the petition of David Dyer and 43 others, residents of Medina county, praying for the repeal of the 10 per cent. interest law, and for further legislation, if any be necessary, to prevent usury.

Laid on the table.

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Mr. Canfield presented the petition of Darius Archer and 41 others, residents of Medina county, praying for the passage of an act to prevent sheep running in the highway as free commoners.

Referred to the standing committee on Agriculture.

Mr. Shideler presented the petition of William Richards and 48 others; also B. McVaughter and 19 others; James W. Powers and 58 others; Henry Winner and 16 others, and G. B. Clayton and 61 others, asking the repeal of the statute passed May 1, 1854, relative to the evils resulting from the sale of intoxicating liquors.

Referred to the standing committee on the evils resulting from the sale of Intoxicating Liquors.

Mr. Corwine presented the petition of the treasurer and two of the commissioners of Scioto county, praying for additional compensation for services required under the law for the semi-annual collection of taxes, and under the independent treasury law;

Which was read at the clerk's desk and referred to the standing committee on Fees and Salaries.

Mr. Cadwell presented the petition of N. L. Chaffin and 17 others, citizens of Ashtabula county, asking for an additional judge of the court of common pleas, in the third sub-division of the ninth judicial district.

Referred to a select committee of three—Messrs. Cadwell, McCleary and Taylor.

Mr. Shideler, from the standing committee on Agriculture, reported back

H. B. No. 237; To amend section 1 of an act entitled "an act to regulate enclosures, and to provide against trespassing animals," passed Jan. 17, 1840, and recommended its passage.

The question then being on ordering said bill to be read the third time,

The same was agreed to.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

On motion of Mr. Taylor,

Said bill was referred to a select committee of one—Mr. Taylor.

The following bills were severally read the second time, committed to the committee of the whole, and made the order of the day for this day:

S. B. No. 194; Re-enacting section 1 of an act entitled "an act to provide for the collection of claims against steamboats and other water crafts, and authorizing proceedings against the same," passed Feb. 26, 1840.

H. B. No. 278; Supplementary to an act entitled "an act defining certain duties of sheriffs, clerks, and prosecuting attorneys," passed Feb. 26, 1842; and

H. B. No. 147; To fix the compensation of county commissioners.

S. B. No. 187; To authorize county commissioners to reduce the width of county roads,

Was read the third time, and the question being,

"Shall the bill pass?"

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The yeas and nays were demanded, and being ordered, resulted yeas 22, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, McCleary, McKelley, Miles, Morrow, Murdock, Perkey, Reid, Shideler, Schleich and Smith—22.

Those who voted in the negative were—

Messrs. Taylor, Thomas and Westcott—3.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Shideler, on leave, from the standing committee on Agriculture, introduced a bill:

S. B. No. 199; Supplementary to the act entitled "an act for the encouragement of Agriculture.

Which was read the first time.

On motion of Mr. Green,

The Senate resolved itself into committee of the whole Senate, on the orders of the day, Mr. Langdon in the chair and after some time spent therein, rose and reported back sundry bills, some with and some without amendment:

S. B. No. 134; To amend an act entitled an "act for the confinement of prisoners, under the authority of the United States, in the jails of this State," passed Dec. 20, 1806, without amendment.

S. B. No. 182; To amend section 310 of the act entitled "an act to establish a code of civil procedure," passed March 11, 1853;

With one amendment—striking out all after the enacting clause.

On motion of Mr. Green,

The Senate took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Phelps,

A call of the House was had, and 27 Senators answered to their names.

Mr. Chapman had leave of absence until Tuesday next.

On motion, all further proceedings under the call were dispensed with.

The question then being on ordering

S. B. No. 134; To amend an act entitled an act for the confinement of prisoners, under the authority of the United States, in the jails of this State, passed December 20, 1806,

To be engrosseed, the same was decided in the affirmative.

Said bill was then engrossed, and ordered to be read the third time on Tuesday, 20th inst.

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Mr. McCleary moved to indefinitely postpone

S. B. No. 182; To amend section 310 of the act entitled an act to establish a code of civil procedure," passed March 11, 1853.

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 22, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Corwine, Hatch, Henkle, Kincaid, Langdon, McCleary, Morrow, Murdock, Perkey, Phelps, Reid, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta and Westcott—22.

Those who voted in the negative were—

Messrs. Cadwell, Gatch, Green, McKelly, Miles and Safford—6.

So said bill was indefinitely postponed.

Mr. Safford, on leave, introduced a bill:

S. B. No. 200; Supplementary to "an act for the maintenance and support of illegitimate children," passed February 2, 1824;

Which was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 146; To provide for the removal of the seat of justice of Perry county, Ohio, from the town of New Lexington to the town of Somerset, in said county.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

On motion of Mr. Phelps,

The Senate resolved itself into committee of the Whole on the orders of the day—Mr. Smith in the chair; and after some time spent therein, rose and reported back sundry bills, some with and some without amendment, as follows:

H. B. No. 147; To fix the compensation of county commissioners;

Without amendment.

Mr. Canfield moved to indefinitely postpone said bill.

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 8, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Canfield, Cantwell, Gard, Gatch, McKelly, Murdock and Vanatta—8.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Cass, Corwine, Green, Hatch, Kincaid, Langdon, Miles, Morrow, Perkey, Phelps, Reid, Shideler, Schleich, Smith, Taylor, Thomas and Westcott—19.

So said motion was not agreed to.

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On motion, said bill was referred to the standing committee on Fees and Salaries.

S. B. No. 194; Re-enacting section one of an act entitled "an act to provide for the collection of claims against steamboats and other water crafts, and authorising proceedings against the same by name," passed February 26, 1840;

Without amendment; and

On motion, said bill was referred to the standing committee on the Judiciary.

H. B. No. 280; To authorize the town council of the town of Ashland to borrow money to pay indebtedness on the town hall of said town;

With one amendment; and

On motion, said bill, with pending amendment, was referred to a select committee of one—Mr. Cantwell.

S. B. No. 129; To repeal sections 5, 7, 8, 9, 10, 11, 12, 13 and 14 of an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money, and the several acts supplementary and amendatory thereof, passed April 1, 1856, and to re-enact certain sections by the said act repealed;

Without amendment; and

On motion, said bill was referred to the select committee appointed to revise the tax laws.

Also, S. B. No. 132; To amend an act, entitled "an act to establish a code of civil procedure," passed March 11, 1853, without amendment, and

On motion, said bill was referred to the standing committee on the Judiciary.

Also, H. B. No. 278; Supplementary to an act, entitled "an act defining certain duties of clerks, sheriffs and prosecuting attorneys," passed Feb. 6, 1842, without amendment, and

On motion, said bill was referred to the standing committee on the Judiciary.

Also, S. B. No. 177; To amend section 14 of the act entitled "an act to organize and discipline the militia, and volunteer militia," passed March 30, 1857, and

On motion, said bill was referred to a select committee of two, Messrs. Miles and Henkle.

Also, S. B. No. 181; To amend an act entitled an act to provide for the semi-annual collection of taxes, passed April 12, 1858, without amendment, and

On motion, said bill was referred to the select committee appointed to revise the taxatio laws.

Message from the House of Representatives.

Mr. President;

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

S. J. R. No. 59; Relative to instructing the State House Commissioners to discharge certain persons employed upon the New State House.

Attest: JOHN W. KERR, Clerk.

On motion, said resolution was referred to the standing committee on State Buildings.

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Mr. Phelps asked to be discharged from the standing committee on State Buildings, and that Mr. Smith be appointed to fill the vacancy;

Which was agreed to.

Mr. Schleich offered for adoption the following resolution:

Resolved, That Mr. Reid be added to the committee on New Counties;

Which was agreed to.

On motion of Mr. Cadwell,

Mr. Green was added to the same committee.

Mr. Langdon asked and obtained leave to record his vote on the indefinite postponement of

S. B. No. 182; To amend section 310 of the act entitled an act to establish a code of civil procedure passed March 11, 1853, and to prevent persons from becoming witnesses in their own behalf, and being called, voted yea.

Mr. Gard asked leave to record his vote on the same bill, and being called, voted nay.

Mr. Vanatta offered for adoption the following resolution, which was agreed to:

Resolved, That a message be sent to the House of Representatives, requesting that the petitions and remonstrances, for and against the removal of the county seat of Perry county, be transmitted to the Senate, together with all affidavits and other papers relating thereto.

Mr. Phelps offered for odoption the following resolution:

Resolved, That when the Senate adjourns on to-morrow, it will adjourn until Tuesday next at 10 o'clock.

Pending which,

On motion of Mr. Langdon,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

FRIDAY, JANUARY 14, 1859.

Prayer by the Rev. B. N. Spahr.

Mr. Morrrow, from the standing committee on Schools and School Lands, reported back

S. B. No. 112; To amend an act entitled "an act to provide for the re-organization, supervision and maintenance of common schools," passed March 14, 1853, and recommended its indefinite postponement;

Which was agreed to.

Mr. Schleich offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That the Board of Public Works are hereby directed to construct an embankment from the present

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embankment on the Hocking canal in the town of Athens, to such other point on the Hocking Reservoir, as will effectually prevent the waters of said reservoir, from doing further damage to the canal and the property of individuals.

On motion of Mr. Cantwell,

Said resolution was referred to the standing committee on Public Works.

The following bills were severally read the second time, committed to the committee of the whole Senate, and made the order of the day for this day:

S. B. No. 193; To amend section 6 of an act entitled "an act supplementary to an act 'entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed Feb. 13, 1853, and to repeal an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed April 8, 1856, also prescribing the duties of county commissioners, county auditors, township clerks and supervisors; also to repeal certain other acts therein named,'" passed April 12, 1858.

S. B. No. 199; Supplementary to an act entitled "an act for the encouragement of agriculture."

H. B. No. 146; To provide for the removal of the seat of justice of Perry county, Ohio, from the town of New Lexington to the town of Somerset, in said county.

S. B. No. 197; To provide for the renewal, and to regulate the final payment of the funded debt of the State;

Was read the second time, and referred to the committee on Finance.

S. B. No. 195; To amend section 2 of the act entitled "an act to relieve district courts, and to give greater efficiency to the judicial system of the State," passed April 12, 1858;

Was read the second time, and referred to the standing committee on the Judiciary.

S. B. No. 196; To amend sections 231 and 239 of the act to establish a code of civil procedure, passed March 11, 1853;

Was read the second time, and referred to the standing committee on the Judiciary.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 17; Relative to distribution of public lands;

With amendments, in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

Said amendments were agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 60; Calling upon the acting commissioner of the New State House for certain information.

Attest: JOHN W. KERR, Clerk.

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On motion, said resolution was referred to the standing committee on State Buildings.

Mr. McCleary, on leave, introduced the following bill:

S. B. No. 201; To amend the third section of an act entitled "an act to fix the salaries of judges, in certain cases," passed April 12, 1858;

Which was read the first time.

Mr. Vanatta offered for adoption the following resolution:

Resolved, That Henry S. Hutchins, be appointed an additional messenger-boy for the Senate during the balance of the session; to receive the same compensation as the other messengers.

On which resolution the yeas and nays were demanded, and being ordered, resulted—yeas 5, nays 20, as follows:

Those who voted in the affirmative were—

Messrs. Corwine, Murdock, Perkey, Schleich and Vanatta—5.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cass, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McKelly, Miles, Morrow, Reid, Shideler, Taylor, Thomas and Westcott—20.

So said resolution was not agreed to.

Mr. Canfield, on leave, introduced a bill:

S. B. No. 202; To provide for a geological survey of the State;

Which was read the first time.

Mr. Hatch, on leave, introduced a bill:

S. B. No. 203; To amend the act entitled "an act to establish a code of civil procedure;

Which was read the first time.

On motion of Mr. Green,

The memorial of S. Medary, relative to public printing, was taken from the table.

Mr. Green offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That the memorial of Gov. Samuel Medary, praying the Legislature to authorize the payment of his claim against the State, for printing, be referred to a joint select committee, consisting of three on the part of the Senate and ——— on the part of the House;

Which was agreed to.

Mr. Green asked to be discharged from the standing committee on New Counties; which was granted.

Mr. Green moved that Mr. Gatch be appointed to fill the vacancy; which was agreed to.

On motion of Mr. Canfield,

S. J. R. No. 11, was taken from the table.

On motion of the same, said resolution was referred to the committee of the Whole, and made the order of the day for this day.

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On motion of Mr. Schleich,

The resolution relative to adjournment, was taken from the table.

Said resolution was then agreed to.

Mr. McKelly asked and obtained leave of absence for next week.

On motion of Mr. Schleich,

The Senate resolved itself into committee of the Whole on the orders of the day—Mr. Gatch in the chair; and after some time spent therein, rose and reported back sundry bills, some with and some without amendment:

S. B. No. 155; To exempt farming lands within the corporate limits of towns and cities from taxation for municipal purposes;

With one amendment—striking out all after the enacting clause.

On motion of Mr. Morrow,

Said bill was indefinitely postponed.

S. B. No. 193; To amend section six of an act entitled "an act supplementary to an act entitled an act prescribing the duties of supervisors and relating to roads and highways, passed February 13, 1853, and to repeal an act entitled an act prescribing the duties of supervisors and relating to roads and highways, passed April 8, 1856; also prescribing the duties of county commissioners, county auditors, township clerks and supervisors; also to repeal all other act therein named," passed April 12, 1858;

Without amendment, and

Referred to the standing committee on Roads and Highways.

The following communication was received from the Governor, by the hands of his Private Secretary, A. M. Gangewer, Esq.:

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, Jan. 14, 1859.

To the General Assembly:

I herewith transmit, in manuscript, the Report of the Commissioner of Common Schools. As it was not received until after you had convened in adjourned session, and it has therefore been impossible to place it in the hands of the printer prior to your meeting, it has seemed most proper to send it at once, in manuscript, to the General Assembly.

Only one copy having been prepared, it is sent to the Senate.

S. P. CHASE.

On motion of Mr. Phelps,

Said report was laid on the table and ordered to be printed.

Message from the House of Representatives.

Mr. President:

The petitions, papers, &c., in the Perry county case, are herewith transmitted in accordance with the request of the Senate.

Attest: JOHN W. KERR, Clerk.

On motion,

Said petition, &c., were referred to the standing committee on New Counties.

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On motion of Mr. Langdon,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

TUESDAY, JANUARY, 18, 1859.

Prayer by the Rev. D. Smith.

Mr. Westcott presented the petition of Richard Holligan and 39 others, residents of Lucas county, remonstrating against the sale of the State canals.

Referred to the committee on Public Works.

Mr. Westcott presented the petition of James Deveam and 33 others, residents of Lucas county, remonstrating against the sale of the State canals.

Referred to the committee on Public Works.

Mr. Westcott presented the petition of Stevens & Chase and 87 others, residents of Lucas county, remonstrating against the sale of the State canals.

Referred to the committee on Public Works.

Mr. Westcott presented the petition of G. W. Rockwell and 36 others, residents of Lucas county, remonstrating against the sale of the State canals.

Referred to the committee on Public Works.

Mr. Westcott presented the petition of Andrew Young and 38 others, residents of Lucas county, remonstrating against the sale of the canals of the State.

Referred to the committee on Public Works.

Mr. Buckland presented the petition of William Recorick and 46 others, residents of Sandusky county, praying for an act compelling the State to cut ditches along the Maumee and Western Reserve Road of sufficient width and depth to carry off all the water that may be thrown into them, and upon such notice as is required to be given to individuals to open ditches and construct culverts for carrying off water of ditches located and running across said road.

Also the petition of Ferdinand Wilson and 42 others, residents of said county, upon the same subject.

Referred to the standing committee on Public Works.

Mr. Cantwell presented the petition of John Garver and 52 others, residents of Richland county, praying an amendment to the school law.

Referred to a select committee of one—Mr. Cantwell.

The following bills were severally read the second time, committed to the committee of the whole Senate, and made the order of the day for this day:

S. B. No. 198; To amend section 165 of an act entitled "An act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1833.

S. B. No. 200; Supplementary to an "Act for the maintenance and support of illegitimate children," passed February 2, 1824.

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S. B. No. 202; To provide for a geological survey of the State.

S. B. No. 201; To amend the 3d section of an act entitled "An act to fix the salaries of judges in certain cases," passed April 12, 1858.

S. B. No. 203; To amend the act entitled "An act to establish a code of civil procedure,"

Was read the second time and referred to the standing committee on the Judiciary.

Message from the House of Representatives.

Mr. President:

The House has passed

H. B. No. 299; To repeal an act passed April 11, 1856, entitled an act to authorize and regulate the sale of section number twenty-nine, and the surrender of permanent leases thereto, in the county of Gallia,

In which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 290; Making partial appropriations for the year 1859.

Attest: JOHN W. KERR, Clerk.

Said bill was read the rst time.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 161; Supplementary to an act to provide for the re-organization, supervision and maintenance of common schools, passed March 14, 1853.

With amendment one in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Morrow,

Said bill, with the pending amendment, was referred to the standing committee on Schools and School Lands.

Message from the House of Representatives.

Mr. President:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 67; Relative to furnishing Ohio Reports for Gallia county.

Attest: JOHN W. KERR, Clerk.

On motion, said resolution was referred to the standing committee on the Library.

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Mr. Cadwell, on leave, introduced a bill:

S. B. No. 204; Supplementary to an act entitled "an act supplementary to an act, entitled an act prescribing the duties of supervisors, and relating to roads and highways," passed February 13, 1853; and to repeal an act, entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed April 8, 1856; also prescribing the duties of county commissioners, county auditors, township clerks and supervisors, also to repeal certain other acts therein named, passed April 12, 1858,

Which was read the first time.

Mr. Cantwell offered for adoption the following resolution, which was agreed to:

Resolved, That Messrs. Kincaid and McCleary be added to the committee on New Counties.

Mr. Cadwell offered for adoption the following resolution, which was agreed to:

Resolved, That Mr. Chapman be added to the select committee of three, to whom was referred the petition of N. L. Chaffee and others, asking for an additional judge in the 3d sub-division of the 9th judicial district.

On motion of Mr. Buckland,

S. B. No. 105; To protect religious meetings, was taken from the table, and referred to a select committee of one—Mr. Buckland.

On motion of Mr. Langdon,

The report of the select committee on Rules, was taken from the table, and

On motion of the same,

Said report was committed to the committee of the whole Senate, and made the special order of the day for this day.

On motion of the same,

The Senate resolved itself into committee of the whole on the special order of the day, Mr. Schleich in the chair, and after some time spent therein, rose and reported back the special order of the day, being the report of the special committee on Rules, with sundry amendments, pending which,

On motion of Mr. Schleich,

The Senate took a recess.

THREE O'CLOCK P. M.

The question being on agreeing to the amendments to the Senate rules, adopted by the committee of the whole, the same was decided in the affirmative.

Said rules, as amended, were then agreed to.

(*For rules see Appendix to Senate Journal*).

On motion of Mr. Langdon,

Said rules, as amended, were ordered to be printed, and also printed in the Appendix to the Senate Journal.

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Mr. Morrow, from the standing committee on Schools and School Lands, reported back

S. B. No. 162; Supplementary to an act to provide for the re-organization, supervision and maintenance of common schools, passed March 14, 1853, with the pending House amendment, and recommend its passage.

The question then being on agreeing to said House amendment,

The yeas and nays were ordered and resulted, yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Corwine, Gard, Gatch, Green, Hatch, Holloway, Morrow, Perkey, Reid, Schleich, Smith, Vanatta, Westcott and Winans—20.

So said amendments having received a constitutional majority, were agreed to.

Mr. Schleich, from the standing committee on Public Works, reported back

S. J. R. No. 51; Relative to constructing an embankment on the Hocking canal,

With an amendment, which was agreed to.

Said resolution, as amended, was then agreed to.

Mr. Winans, on leave, introduced a bill:

S. B. No. 205; To amend the act entitled "an act to amend the act entitled an act fixing the rate of interest, passed Jan. 12, 1824, and all other laws on that subject," passed March 14, 1850;

Which was read the first time.

Mr. Morrow gave notice, that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to repeal sections 58, 59, 60, 61 and 62 of an act to provide for the re-organization, supervision and maintenance of common schools.

Mr. Ashmun gave notice, that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill supplementary to an act entitled "an act to regulate inclosures and to provide against trespassing animals," passed January 17, 1840.

On motion of Mr. Westcott,

The Senate resolved itself into committee of the Whole on the orders of the day, Mr Cadwell in the chair; and after some time spent therein, rose and reported back

H. B. No. 146; To provide for the removal of the seat of justice of Perry county, O., from the town of New Lexington, to the town of Somerset, in said county.

On motion of Mr. Cadwell,

Said bill was referred to the standing committee on New Counties.

Mr. Winans gave notice, that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to amend and supplementary to the several acts incorporating and regulating turnpike and plank road companies in this State, and the several acts amendatory thereof, and supplementary thereto.

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Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 273; Requiring township assessors to ascertain the number of sheep killed and injured by dogs.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

On motion of Mr. Safford,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

WEDNESDAY, JANUARY 19, 1859.

Prayer by the Rev. J. D. Smith.

Mr. Hatch presented the memorial of several ladies of the city of Cincinnati, representing to the General Assembly the necessity of an alteration of the Constitution, so as to license the sale of intoxicating liquors.

Referred to the standing committee on the evils resulting from the sale of Intoxicating Liquors.

Mr. Cantwell presented the petition of L. L. Stocking and 86 others, residents of Richland county, remonstrating against the passage of

H. B. No. 285; To regulate the business of fire and maine insurance in the State of Ohio, which was read at the clerk's desk, and

Referred to the standing committee on Corporations other than Municipal.

Mr. Schleich presented the petition of J. W. Chapman and Emily Chapman, relative to certain lands in Fairfield county.

Referred to the standing committee on the Judiciary.

Mr. Canfield presented the petition of Charles Fenn and 88 others, residents of Medina county, praying the passage of an act to empower the councils of incorporated villages to change the boundaries of such villages by adding or excluding territory, &c.

Referred to the standing committee on Municipal Corporations.

Mr. Canfield presented the petition of John Codding and 84 others, residents of Medina county, praying for the repeal of the 10 per cent. interest law.

Laid on the table.

Mr. Green presented the remonstrance of D. Lewis and other citizens of Muskingum county; also the remonstrance of John Silvey and 80 other citizens of the same county, against the sale of the Public Works.

Referred to the standing committee on Public Works.

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The following bills were severally read the second time, committed to the committee of the whole Senate, and made the order of the day for this day.

H. B. No. 273; Requiring township assessors to ascertain the number of sheep killed and injured by dogs.

H. B. No. 299; To repeal an act passed April 11, 1856, entitled an act "to authorize and regulate the sale of section 29, and the surrender of permanent leases thereto, in the county of Gallia.

H. B. No. 290; Making partial appropriations for the year 1859, was read the second time, and

Referred to the standing committee on Finance.

Mr. Langdon gave notice, that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill regulating the rate of interest upon money.

Mr. Langdon gave notice, that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to amend the existing school law.

Mr. Buckland gave notice, that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to authorize the adoption of children.

Mr. Ashmun, on leave, and in pursuance of notice, introduced a bill:

S. B. No. 206; Suplementary to an act to regulate enclosures, and to provide against trespassing animals, passed January 17, 1840;

Which was read the first time.

Mr. Cantwell, on leave, and in pursuance of notice, introduced a bill:

S. B. No. 207; To amend and supplementary to an act, entitled "an act for the reorganization, supervision and maintenance of common schools," passed March 14, 1853;

Which was read the first time.

Mr. Winans, on leave, and in pursuance of notice, introduced a bill:

S. B. No. 208; To amend and supplementary to the several acts, incorporating and regulating turnpike and plank road companies in this State and the several acts amendatory thereof and supplementary thereto;

Which was read the first time.

Mr. Hatch offered for adoption the following resolution; which was agreed to:

Resolved, That the commissioners, or any two of them, appointed to investigate the treasury defalcation, &c., by the act of April 12, 1858, be instructed to inquire into and ascertain whether the method of keeping the accounts and transacting the business of the departments of the Auditor, Comptroller, and Treasurer of State, adopted under the independent treasury system, is in full compliance with the law; and to report thereon at their earliest convenience. Also to report what changes, if any, in the system of book-keeping and mode of transacting the business of those departments may be requisite and proper.

Mr. Langdon offered for adoption the following resolution, which was agreed to:

Resolved, That W. D. Morgan, A. P. Edgerton and Charles Reemelin, Commissioners of Investigation appointed by this General Assembly, are hereby requested to inform the Senate at what time they will probably be able to submit their report.

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Mr. Schleich offered for adoption the following resolution, which was agreed to

Resolved, That the Auditor of State, Attorney General, and Secretary of State, authorized and directed to do certain duties by the act of April 12, 1858, "to cancel the contract for the enlargement of the Lewistown Reservoir," be and they are hereby directed to report to the Senate, their proceedings under said act, together with all testimony by them taken in the performance of their duties.

On motion of Mr. Langdon,

The Senate resolved itself into committee of the Whole—Mr. Gatch in the chair; and after some time spent therein, rose and reported back sundry bills, which where severally disposed of as follows:

H. B. No. 273; Requiring township assessors to ascertain the number of sheep killed and injured by dogs.

Referred to the standing committee on Agriculture.

S. B. No. 199; Supplementary to the act entitled an act for the encouragement of Agriculture.

Mr. Henkle moved to indefinitely postpone said bill.

Pending which,

Mr. Reid moved to commit said bill to the standing committee on Agriculture.

On which motion, the yeas and nays were ordered, and resulted—yeas 18, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Chapman, Gatch, Green, Hatch, Kincaid, McCleary, Miles, Reid, Shideler, Schleich, Smith, Taylor and Westcott—18.

Those who voted in the negative were—

Messrs. Corwine, Gard, Henkle, Holloway, Morrow, Thomas and Winans—7.

So said notice to commit prevailed.

S. B. No. 198; To amend section 165 of an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853;

Without amendment.

Referred to the standing committee on the Judiciary.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 52; Relative to appointment of committee on memorial of Gov. S. Medary;

With an amendment, in which the concurrence of the Senate is requested, and has appointed Messrs. Edson, Ambler, Robinson of Union, Gibson and Collins as the committee on the part of the House.

Attest: JOHN W. KERR, Clerk.

Said amendment was then agreed to, and the President appointed as the committee on part of the Senate, Messrs. Green, Westcott and Canfield.

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Mr. Safford, from the standing committee on Public Printing, reported back

S. B. No. 109; To amend section two of an act passed March 11, 1853, "to provide for the publication of the general laws in newspapers," and to repeal an act entitled "an act to provide for an early publication of the laws, and for other purposes," passed March 23, 1850, with the several House amendments, and also an additional amendment providing that such publication shall be made in newspapers of opposite political parties.

On which amendment, the yeas and nays were ordered, and resulted—yeas 16, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Chapman, Corwine, Gard, Hatch, Kincaid, Morrow, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—16.

Those who voted in the negative were—

Messrs. Buckland, Cadwell, Canfield, Gatch, Green, Henkle, Holloway, McCleary, Miles, Taylor and Winans—11.

So said amendment was agreed to.

On motion of Mr. Safford,

Said bill, with the pending House amendments, was referred to a select committee of one—Mr. Safford.

Mr. Hatch, from the standing committee on Finance, reported back

H. B. No. 290; Making partial appropriations for the year 1859;

Which was then ordered to be read the third time now.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were demanded, and being ordered, resulted—yeas 21, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Green, Hatch, Henkle, Holloway, Kincaid, McCleary, Miles, Safford, Schleich, Taylor, Thomas, Vanatta and Westcott—22.

Those who voted in the negative were—

Messrs. Gatch, Morrow, Reid, Shideler, Smith and Winans—6.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Chapman,

The Senate took a recess.

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THREE O'CLOCK, P. M.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 309; To authorize the city of Dayton to issue bonds to meet an indebtedness heretofore authorized by the General Assembly of Ohio.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

On motion of Mr. Westcott,

A call of the Senate was had, and 23 Senators answered to their names.

On motion,

All further proceedings under the call were dispensed with.

On motion of Mr. Westcott,

The Senate resolved itself into committee of the Whole, on the ordors of the day—Mr. Taylor in the chair, and after some time spent therein, rose and reported back

S. B. No. 159; To regulate the right of recovery in courts of justice in cases of part performances of contracts, without amendment.

Referred to the standing committee on the Judiciary.

S. B. No. 200; Supplementary to "an act for the maintenance and support of illegitimate children," passed February 2, 1824, without amendment,

And on motion, said bill was referred to the standing committee on the Judiciary.

On motion of Mr. Cadwell,

The committee of the Whole was discharged from the further consideration of

S. B. No. 176; Supplementary to an act entitled "an act providing for the punishment of crimes, passed March 7, 1835.

On motion of Mr. Cadwell,

Said bill was referred to a select committee of one—Mr. Cadwell.

On motion of Mr. Westcott,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

THURSDAY, JANUARY 20, 1859.

Prayer by the Rev. J. D. Smith.

Mr. Phelps presented the remonstrance of Joseph Welch and 101 others, against the sale of the public works.

Referred to the standing committee on Public Works.

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Mr. Smith presented the petition of Wm. Ward and 100 others, residents of Warren county, praying an amendment to the act regulating tolls on the several turnpikes within the State of Ohio, to increase the tolls on vehicles carrying loads exceeding three tons in proportion to such excess.

Referred to committee on Corporations other than Municipal.

Mr. Smith presented the petition of N. J. Death and 53 others, residents of Warren county, praying an increase of witness and jurors fees, attending courts of common pleas within this State.

Referred to the standing committee on Fees and Salaries.

H. B. No. 309; To authorize the city of Dayton to issue bonds to meet an indebtedness heretofore authorized by the General Assembly of the State of Ohio, was read the second time, committed to the committee of the whole Senate, and made the order of the day for this day.

S. B. No. 134; To amend an act entitled "an act for the confinement of prisoners, under the authority of the United States, in the jails of this State," passed December 20, 1806, was read the third time.

Mr. Safford moved that said bill be indefinitely postponed, on which motion the yeas and nays were ordered, and resulted—yeas 18, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Kincaid, Langdon, Morrow, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas and Vanatta—18.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Gard, Gatch, Green, Henkle, Halloway, McCleary, Miles, Taylor and Winans—12.

So said motion prevailed.

Mr. Thomas, on leave, introduced a bill,

S. B. No. 207; To amend an act passed April 28, 1854, entitled "an act to amend an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and supplementary and amendatory to an act to provide for the organization of cities and incorporated villages," passed March 11, 1853;

Which was read the first time.

On motion of Mr. Schleich,

S. J. R; Relative to the claim of Dennis McCarthy, was taken from the table and referred to the standing committee on Claims.

Mr. Gard presented the memorial of the bar of Piqua, praying for the passage of House bill, No. 74; To establish additional terms of the court of common pleas, at the city of Piqua;

Which was read at the clerk's desk, and referred to the standing committeee on the Judiciary.

Mr. Phelps offered for adoption the following resolution, which was agreed to:

Resolved, That the Auditor of State be requested to send to the Senate the report of J. T. Claypoole, made to the auditor's office, in March, 1858, in regard to the condition of certain banks.

Mr. Thomas presented the 8th annual report of the board of directors of the house of refuge, located at Cincinnati.

Referreed to the standing committee on Reform Schools and State Asylum for Idiots.

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On motion of Mr. Phelps,

The Senate resolved itself into a committee of the whole, on the orders of the day, Mr. Canfield in the chair, and after some time spent therein, rose and reported back sundry bills, some with and some without amendment, as follows:

H. B. No. 209; To authorize the city of Dayton to issue bonds to meet an indebtedness heretofore authorized by the General Assembly; without amendment, and

Referred to the standing committee on Municipal Corporations.

H. B. No. 299; To repeal an act passed April 11, 1856, entitled an act "to authorize and regulate the sale of section 29, and the surrender of permanent leases thereto in the county of Gallia; without amendment, and

Referred to the standing committee on Schools and School Lands.

S. B. No. 201; To amend the third section of an act entitled an act to fix the salaries of judges in certain cases," passed April 12, 1858; with one amendment, striking out all after the enacting clause, and

On motion, said bill with pending amendment, was referred to the standing committee on the Judiciary.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 186; Relating to taxes for school purposes in the town of Akron.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 65; Relative to a *sine die* adjournment of this General Assembly

Attest: JOHN W. KEES, Clerk.

Mr. Phelps moved to lay said resolution upon the table, on which motion the yeas and nays were ordered, and resulted—yeas 13, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Hatch, Kincaid, Langdon, Morrow, Perkey, Perrill, Phelps, Safford, Shideler, Smith and Vanatta—13.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Chapman, Corwine, Gard, Gatch, Green, Holloway, McCleary, Miles, Taylor, Thomas and Winans—14.

So said motion did not prevail.

Mr. Langdon moved to commit said resolution to a select committee of three, on which motion the yeas and nays were ordered, and resulted—yeas 14, naays 13, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Corwine, Hatch, Kincaid, Langdon, Morrow, Perkey, Perrill, Phelps, Safford, Shideler, Smith, Thomas and Vanatta—14.

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Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Chapman, Gard, Gatch, Green, Holloway, McCleary, Miles, Taylor and Winans—13.

So said motion to commit prevailed.

Mr. Safford moved to take from the table the motion to reconsider the vote by which S. B. No. 166; For the relief of Thatcher Lewis, was lost, which was agreed to.

Mr. Safford moved to reconsider the vote by which said bill was lost, which was agreed to.

On motion of Mr. Green,

Said bill was referred to the standing committee on Claims.

Message from the House of Representatives.

Mr. President:

The House has passed

H. J. R. No. 64; Relative to authorizing John H. Klippart to publish his essay on wheat;

And requests the concurrence of the Senate in the same.

Attest: JOHN W. KERR, Clerk.

Said resolution was then agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 305; To authorize the town council of the incorporated village of Kalida, to levy taxes for the purpose of erecting suitable school houses.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

On motion of Mr. Smith,

The Senate took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Phelps,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

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FRIDAY, JANUARY 21, 1859.

Prayer by the Rev. James Hoge, D.D.,

Mr. Westcott presented the petition of Thomas Hayes and 30 others, residents of Wood county, remonstrating against the sale of the State canals.

Referred to the committee on Public Works.

Mr. McCleary presented the petition of Elisha Dretton and 45 others, citizens of Columbiana county, praying for the enactment of a law prohibiting the rendition of fugitive slaves.

Referred to the standing committee on Federal Relations.

The following bills were severally read the second time, committed to the committee of the whole, and made the order of the day for this day:

H. B. No. 305; To authorize the town council of the incorporated village of Kalida to levy taxes for the purpose of erecting suitable school houses.

S. B. No. 204; Supplementary to an act entitled an act supplementary to an act entitled "an act prescribing the duties of supervisors, and relating to roads and highways, passed Feb. 15, 1853, and to repeal an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed April 8, 1856, also prescribing the duties of county commissioners, county auditors, township clerks and supervisors, also to repeal certain other acts therein named," passed April 12, 1858; also,

S. B. No. 205; To amend the act entitled an act to amend the act entitled an act fixing the rate of interest, passed January 12, 1824, and all the other laws on that subject, passed March 14, 1850.

S. B. No. 206; Supplementary to an act entitled "an act to regulate enclosures and to provide against trespassing animals," passed Jan. 17, 1840;

Was read the second time, and referred to the standing committee on the Judiciary.

Mr. Phelps, on leave, introduced a bill,

S. B. No. 210; To provide for canvassing the votes for Comptroller of the Treasury,

Which was read the first time.

Mr. Phelps, from the standing committee on the Judiciary, reported back

S. B. No 203; To amend the act to establish a code of civil procedure, with sundry amendments;

Which were agreed to.

The question then being, on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read the third time now.

Said bill was then read the third time, and the question being

"Shall the bill pass."

The yeas and nays were demanded and being ordered, resulted, yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Chapman, Gard, Gatch Green, Hatch,

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Henkle, Holloway, Kincaid Langdon, McCleary, Miles, Morrow, Perkey, Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—27.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Also from the same committee,

S. B. No. 198; To amend section 165 of an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read the third time now.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were demanded, and being ordered, resulted, yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—30.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Also from the same committee,

S. B. No. 159; To regulate the right of recovery in courts of justice in cases of part performance of contracts.

On motion, said bill was referred to a select committee of one, Mr. Green.

Mr. Safford, from the select committee to which was referred

S. B. No. 109; To amend section two of an act passed March 11, 1853, "to provide for the publication of the general laws in the newspapers, and to repeal an act to provide for an early publication of the laws, and for other purposes," passed March 23, 1850,

With the several House amendments, as amended by the Senate.

The question being on agreeing to the first House amendment as amended,

The yeas and nays were demanded, and being ordered, resulted—yeas 21, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Chapman, Corwine, Gard, Hatch, Kincaid, Langdon, Morrow, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—21.

Those who voted in the negative were—

Messrs. Cadwell, Gatch, Green, Henkle, Holloway, McCleary, Miles, Taylor and Winans—9.

So said amendment was agreed to.

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The question then being on agreeing to the second House amendment,

The yeas and nays were demanded, and being ordered, resulted—yeas 22, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Chapman, Corwine, Gard, Hatch, Henkle, Kincaid, Langdon, Morrow, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta, Westcott and Winans—22.

Those who voted in the negative were—

Messrs. Cadwell, Gatch, Green, Holloway, Miles, and Taylor—6.

So said amendment was agreed to.

The question then being on agreeing to the third House amendment,

The yeas and nays were demanded, and being ordered, resulted—yeas 20, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Gard, Hatch, Henkle, Kincaid, Langdon, Morrow, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—20.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Gatch, Green, Holloway, McCleary, Miles, Taylor and Winans—9.

So said amendment was agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 313; To provide for the payment of the claim of David C. Doan.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 49; Relative to money of John Phillips, a deceased convict.

Attest: JOHN W. KEES, Clerk.

The following communication was received from the Governor by the hands of his private secretary, A. M. Gangewer, Esq:

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, January 20, 1859.

To the General Assembly of the State of Ohio:

I herewith transmit, in printed form, the report of the Board of Public Works, and the report of the Commissioners of Reform Schools.

S. P. CHASE.

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The President laid before the Senate the following communication:

ROOMS OF THE TREASURY INVESTIGATING COMMITTEE,
COLUMBUS, January 20, 1859.

To the President of the Senate:

In reply to a resolution of your honorable body, adopted January 19, 1859, and communicated to us this day, asking "at what time (we) will probably be able to report," we would most respectfully say, that we are unable to name any precise time, but hope to close our labors, and report to the Governor, as directed by law, within a month from this date.

Respectfully yours,
A. P. EDGERTON,
CHAS. REEMELIN,
Commissioners.

Mr. Schleich offered for adoption the following resolution, which was laid on the table and ordered to be printed:

WHEREAS, By the constitution of the State, it is provided that "laws shall be passed taxing by a *uniform rule*," all the property of the State; and that "the General Assembly *shall* provide by law for taxing the notes and bills discounted or purchased, moneys loaned, and all other property, effects or dues, of every description (without deduction) of all banks *now existing*, or hereafter created, and of all brokers, so that all property employed in banking shall always bear a burthen of taxation equal to that imposed on the property of individuals;"

AND, WHEREAS, In pursuance to this wholesome provision of the organic law of the State, the General Assembly at its first session after the adoption of that instrument, passed an act requiring the banks to contribute equally with citizens to the burthens of government; which reasonable and just requirement the banks resisted, shielding themselves behind an alleged contract with the State, contained in their charters, thus placing themselves above the legislative power from which they derived their very existence, trampling upon the constitution and defying the people whose sovereign voice adopted that instrument;

AND, WHEREAS, This impudent assumption on the part of these corporations, clothed as they are with powers and privileges for amassing wealth denied to the citizen—corporations which demand at the hands of the government ample protection of all their rights and property, and yet refuse to contribute equally for the support of that very government whose protection they invoke—has been twice, at least, rebuked by the supreme court of the State;

AND, WHEREAS, The present General Assembly, in discharge of its plain duty under the constitution, immediately after the last decision of the supreme court, again refusing to sanction this assumption of the banks that they were higher and beyond the constitution and the people of the sovereign State of Ohio, passed a law, requiring them to bear their equal share of the burthens of government, which law these corporations have obstinately refused to obey, and in order to evade its provisions have invoked a foreign jurisdiction, and sought to prevent the officers of the State from performing their sworn duty under the law by injunctions and other expensive and harrassing process from the federal courts; therefore,

Resolved by the General Assembly of the State of Ohio, That it is the imperative duty of the Legislature to protect the citizens of the State from the onerous exactions sought to be imposed upon them by the banks, which, while they ask at the hands of the government the same protection afforded to natural persons, yet refuse to pay their equal share of taxes as required by the constitution, and seek

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to cast the whole burthen of sustaining the government which extends its protecting care over all, upon the people alone.

Resolved, That the finance committee of both houses be instructed to report bills enacting such amendments to existing laws, and such further legislation as may be necessary to compel the banks to yield obedience to the constitution, and pay their just and equal portion of taxation.

Mr. Hatch offered for adoption the following resolution, which was agreed to:

Resolved, That the Auditor of State adopt such measures as will enable him to ascertain from each county auditor in the State,

1st. The number of acres, if any, of school lands yet remaining unsold in his county and the estimated value thereof;

2d. The number of acres, if any, of ministerial lands yet remaining unsold in his county, and the estimated value thereof;

3d. The number of acres, if any, of either school or ministerial lands under lease and for what term of time. The yearly revenue derived from each tract or section so leased; and the estimated value thereof; provided that where the lease is perpetual, the value may be stated at an amount that the rent would be equal to 6 per centum thereon;

4th. The amount of money, including interest, remaining unpaid by the purchasers, or lesses, of either school or ministerial lands in his county;

And include the same in his next annual report to the Governor.

On motion of Mr. Shideler,

The Senate resolved itself into a committe of the whole, on the orders of the day; Mr. Shideler in the chair, and after some time spent therein, rose and reported back sundry bills, some with, and some without amendment, as follows:

H. B. No. 305; To authorize the town council of the incorporated village of Kalida, to levy taxes for the purpose of erecting suitable school houses, without amendment.

Referred to the standing committee on Schools, and School Lands.

Also S. B. No. 204; Supplementary to an act entitled "an act supplementary to an act entitled 'an act prescribing the duties of supervisors, and relating to roads and highways,'" passed February 13, 1853, and to repeal an act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed April 8, 1856; also prescribing the duties of county commissioners, county auditors, township clerks, and supervisors. Also to repeal "certain other acts therein named," passed April 12, 1858, without amendment.

Referred to the standing committee on oads and Highways,

Mr. Winans offered for adoption the following resolution:

Resolved, That the committee on Federal Relations, to whom was referred the petition of Elisha Dutton and 45 others, citizens of Columbiana county, praying an enactment "that no person who has been held as a slave, shall be delivered up by any officer or court, State or federal, within this commonwealth, to any one claiming him on the ground that he owes service or labor to such claimant, by the laws of one of the slave States of this Union," be instructed to report the reasons why the prayer of said petition cannot be granted.

Mr. Reid moved that said resolution be referred to the standing committee on Federal Relations, which was lost.

The question then being in agreeing to the resolution,

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Mr. Cadwell moved to insert the following words, "if any," after the words "reason," in the second line from the bottom. Lost.

Mr. Taylor moved to amend as follows: add at the end of last line the following:

"And that they be instructed to report a bill prohibiting officers acting under the authority of the State, from engaging in the business of slave catching."

On which amendment, the yeas and nays were ordered, and resulted—yeas 12, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Gard, Gatch, Green, Henkle, Holloway, McCleary, Miles, Taylor and Winans—12.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Kincaid, Langdon, Morrow, Perkey, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—18.

So said amendment was not agreed to.

The question then being on agreeing to the resolution, the yeas and nays were ordered and resulted—yeas 11, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Gatch, Green, Henkle, Holloway, McCleary, Miles, Taylor and Winans—11.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Gard, Hatch, Kincaid, Langdon, Morrow, Perkey, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vannatta and Westcott—19.

So said resolution was not agreed to.

Mr. McCleary presented the petition of Elijah Whinnery and 118 others, residents of Columbiana county, praying the passage of a law prohibiting the rendition of fugitive slaves.

Referred to the committee on Federal Relations.

Mr. Canfield presented the petition of Harris Reid and 18 others, residents of Medina county, praying for the repeal of the 10 per cent. interest law.

Laid on the table.

The President announced as the select committee to which was referred the H. J. Resolution, relative to the *sine die* adjournment, Messrs. Langdon, Miles and Chapman.

On motion of Mr. Thomas,

The Senate took a recess.

THREE O'CLOCK P. M.

Mr. Taylor, from select committee, reported back

H. B. No. 237; To amend section 1 of an act entitled "an act to regulate enclosures and to provide against trespassing animals," passed Jan. 17, 1840, with sundry amendments, which were agreed to.

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The question then being

"Shall the bill pass?"

The yeas and nays were demanded, and being ordered, resulted yeas 20, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Phelps, Safford, Shideler, Taylor, Vanatta, Westcott and Winans—20.

Those who voted in the negative were—

Messrs. Canfield, Reid, Schleich and Smith—4.

So, said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Langdon, from the standing committee on State Buildings, reported back H. J. R. No. 60; Calling upon the acting commissioner of the New State House, for certain information, with one amendment, striking out all after the resolving clause and inserting a new resolution.

Said amendment was then agreed to.

Said resolution as amended was then agreed to.

Mr. Henkle, on leave, introduced a bill,

S. B. No. 211; To amend the 406th section of the code of civil procedure;

Which was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 287; To protect gas companies.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

Mr. Phelps offered for adoption the following resolution, which was agreed to:

Resolved, That the committee on Corporations other than Municipal, be instructed to inquire what legislation, if any, is necessary or expedient, to regulate or restrain the discriminations made in the tariffs of through and local freights, upon the railroads within the State, with leave to report by bill or otherwise.

On motion of Mr. Kincaid,
The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

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SATURDAY, JANUARY 22, 1859.

Prayer by the Rev. J. D. Smith.

Mr. Cadwell presented the petition of Adeline T. Swift and 102 other citizens of Lake county, asking for sundry amendments to the laws relative to the property and rights of married women.

Referred to the select committee on Woman's Rights.

Mr. Smith presented the petition of S. W. Egbert and 53 others, residents of Warren county, praying an amendment to the law authorizing the issuing of marriage licenses and licenses to ministers of the gospel to solemnize marriages, by probate judges, and give such power to the clerks of the court of common pleas of the courts of the several counties of this State; and also from O. Evans, jr., and 110 others, to the same effect.

Referred to the standing committee on the Judiciary.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

S. B. No. 208; To amend and supplementary to the several acts incorporating and regulating turnpike and plank road companies in this State, and the several acts amendatory thereof and supplementary thereto.

H. B. No. 287; To protect gas companies.

H. B. No. 313; To provide for the payment of the claim of David C. Doan;

Was read the second time, and referred to the standing committee on Claims.

S. B. No. 207; To amend and supplementary to an act entitled "an act to provide for the reorganization, supervision and maintenance of common schools," passed March 14, 1853;

Was read the second time, and referred to the standing committee on Schools and School Lands.

S. B. No. 209; To amend an act passed April 28, 1854, entitled "an act to amend an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and supplementary and amendatory to an act to provide for the organization of cities and incorporated villages, passed March 11, 1853;

Was read the second time, and referred to the standing committee on Municipal Corporations.

Message from the House of Representatives.

Mr. President:

The House refuses to concur in Senate amendment to House amendments to

S. B. No. 109; To amend section two of an act passed March 11, 1853, to provide for the publication of the general laws in newspapers, and to repeal an act entitled an act to provide for an early publication of the laws, and for other purposes, passed March 23, 1850.

Attest: JOHN W. KERR, Clerk.

On motion, said bill with the pending House amendments, was laid on the table.

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Mr. Miles, from a select committee, reported back

S. B. No. 177; To amend section 14 of the act entitled "an act to organize and discipline the militia and volunteer militia," passed March 30, 1857, without amendment and recommended its passage.

On motion, said bill was referred to the standing committee on the Militia.

Mr. Taylor gave notice, that, on Monday next, or some subsequent day of the session, he would ask leave to introduce a bill to further regulate the issue and care of public arms.

Mr. Taylor gave notice, that, on Monday next, or some subsequent day of the session, he would ask leave to introduce a bill supplementary to the act to provide for the creation and regulation of incorporated companies in the State of Ohio.

Mr. Miles offered for adoption the following resolution:

WHEREAS, Information has been received by the report of the Warden of the Ohio Penitentiary, that there are now more convicts in the prison than they have cells for their confinement, and

WHEREAS, In view of the large increase in numbers, of persons sentenced to the penitentiary yearly, it is necessary that some additional provision be made for their safe confinement, therefore,

Resolved, That the Directors and Warden of the Ohio Penitentiary be and they are hereby instructed and required to report to the Senate, at the earliest day practicable, the additional improvements necessary for the safe confinement of convicts, the amount of land owned by the State adjacent to the prison, on which buildings may be erected, together with a plat of the same, also a plan and the probable cost of the buildings necessary, together with any suggestions they may be pleased to make, or any information they may be in possession of in the premises.

On motion of Mr. Phelps,

Said resolution was referred to the standing committee on the Penitentiary.

On motion of Mr. Green,

The Senate resolved itself into a committee of the Whole on the orders of the day—Mr. Ashmun in the chair, and after some time spent therein, rose and reported back the following bills:

H. B. No. 287; To protect gas companies; without amendment.

Referred to a select committee of one—Mr. Westcott.

S. B. No. 208; To amend and supplementary to the several acts incorporating and regulating turnpike and plank road companies in this State, and the several acts amendatory thereof and supplementary thereto; without amendment.

Referred to the standing committee on the Judiciary.

On motion of Mr. Green,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

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MONDAY, JANUARY 24, 1859.

Prayer by the Rev. Edgar Woods.

S. B. No. 211; To amend the 406th section of the code of civil procedure, was read the second time, committed to a committee of the whole Senate, and made the order of the day for this day.

Mr. Chapman, on leave and in pursuance of notice, introduced a bill:

S. B. No. 212; To amend section 3 of an act entitled an act "for the prevention of certain immoral practices," passed February 17, 1831;

Which was read the first time.

Mr. Schleich gave notice, that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to let the superintendence and repairs of the canals of the State at contract.

Mr. Miles, from the standing committee on the Penitentiary, reported back the resolution relative to certain information concerning the Penitentiary.

Said resolution was then agreed to.

Mr. Cadwell, from a select committee, on leave, introduced a bill:

S. B. No. 213; To authorize the election of one additional judge in the third sub-division of the ninth judicial district, which was read the first time.

On motion of Mr. Canfield,

The committee of the Whole were discharged from the further consideration of

S. B. No. 202; To provide for a geological survey of the State of Ohio, and said bill was referred to a select committee of one—Mr. Canfield.

Mr. Henkle gave notice, that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to amend section 690 of the code of civil procedure.

Mr. Safford offered for adoption the following resolution, which was agreed to:

Resolved, That the standing committee on Railroads be and they are hereby instructed to report back to the Senate House bill No. 50, by to-morrow afternoon.

On motion of Mr. Holloway,

S. B. No. 124; For the punishment of an offence therein named, was taken from the table and referred to a select committee of three—Messrs. Holloway, McKelly and Taylor.

On motion of Mr. Safford,

S. B. No. 109; "To amend section 2 of an act passed March 11, 1853, to provide for the publication of the general laws, and to repeal an act entitled an act to provide for an early publication of the laws and for other purposes, passed March 23, 1850, with the pending disagreement of the House to the Senate amendment to the first House amendment to said Senate bill was taken up, which amendment is as follows: prefix to the first House amendment the words "of opposite political principles and."

On motion of Mr. Westcott,

The Senate insisted on its amendment, and asked a committee of conference upon the disagreement of the two Houses relative to the same.

On motion of Mr. Ashmun,

The Senate resolved itself into a committee of the whole on the orders

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of the day—Mr. McKelly in the chair, and after some time spent therein, rose and reported back Senate resolution relative to the Deaf and Dumb Asylum, without amendment.

On motion of Mr. Canfield,

Said resolution was laid on the table.

On motion of Mr. McKelly,

The Senate took a recess.

THREE O'CLOCK P. M.

Message from the House of Representatives.

Mr. President:

The Speaker of the House has signed the following enrolled bills and joint resolutions, and they are now ready for the signature of the President of the Senate:

S. B. No. 162; Supplementary to an act to provide for the reorganization, supervision and maintenance of common schools, passed March 14, 1853.

S. J. R. No. 52; Relative to appointment of committee on memorial of Gov. Samuel Medary.

S. B. No. 186; Relating to taxes for school purposes in the town of Akron.

S. J. R. No. 17; Relative to distribution of public lands.

Attest: JOHN W. KEES, Clerk.

The President of the Senate, in the presence of the Senate, then signed the foregoing bills and resolutions, as required by the constitution.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 327; To authorize the commissioners of Hamilton county to appropriate an additional sum to aid in the construction of a bridge across the White Water River, near the village of Harrison.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House accedes to the request of the Senate for a committee of conference on the disagreement between the two Houses relative to the amendment to

S. B. No. 109; To amend section two of an act passed March 11, 1853, to provide for the publication of the general laws in newspapers, and to repeal an act entitled "an act to provide for an early publication of the laws and for other purposes," passed March 23, 1850;

And has appointed Messrs. Dobmeyer, Van Vorhes, and Rodgers of Clark said committee on the part of the House.

Attest: JOHN W. KEES, Clerk.

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The President appointed Messrs. Safford and McCleary as the committee of conference on the part of the Senate.

Mr. Safford, on leave, introduced a bill:

S. B. No. 215; To prevent the recovery of damages on protested bills of exchange, and to repeal section one of an act entitled "an act ascertaining damages on protested bills of exchange," passed February 15, 1831;

Which was read the first time.

Mr. Westcott offered for adoption the following resolution:

WHEREAS, one David Ross, of Wood county, Ohio, claims to have an account against the State of Ohio for materials furnished for the use and at the request of the agents of the State, in the construction of the Wabash and Erie Canal, which claim has been passed upon by the Board of Public Works; and whereas, said Ross claims to have discovered additional testimony since the decision of said Board of Public Works, sufficient to prove the correctness and justness of his said account; and whereas, said Board of Public Works decline to open up or review their decision on said claim, without authority given them for that purpose by joint resolution of this General Assembly. Therefore, be it

Resolved by the General Assembly of the State of Ohio, That the Board of Public Works of the State of Ohio be and they are hereby authorized—if in their judgment it shall be considered right and proper—to open up their said decision and finding on the claim of said Ross, and proceed to review and pass upon said claim upon original papers, files and testimony, together with such additional testimony as said Ross may be able to adduce in support thereof.

On motion of Mr. Cadwell,

Said resolution was referred to the standing committee on Public Works.

Mr. Westcott, from a select committee, reported back

H. B. No. 218; To protect gas companies;

With one amendment; which was agreed to.

The question then being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were demanded, and being ordered, resulted—yeas 13, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Corwine, Gard, Green, Hatch, Henkle, Holloway, Morrow, Murdock, Shideler, Schleich, Smith and Westcott—13.

Those who voted in the negative were—

Messrs. Cadwell, Canfield, Cantwell, Cass, Kincaid, McCleary, McKelly, Miles, Reid, Safford, Taylor and Thomas—12.

So said bill not having received a constitutional majority, was lost.

Mr. Safford moved to reconsider the vote by which said bill was lost.

Said motion to reconsider was laid on the table. The President giving the casting vote, voting in the affirmative.

On motion of Mr. Reid,

The Senate resolved itself into committee of the Whole on the orders of the

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day—Mr. Thomas in the chair; and after some time spent therein, rose and reported that they had had under consideration sundry bills, and had informally passd them all.

Mr. Safford, on leave, introduced a bill:

S. B. No. 215; Further to prevent the taking of usurious interest on the part of banks, and to prevent confession of judgments or warrants of attorney in favor of banks;

Which was read the first time.

Message from the House of Representatives.

Mr. President:

The House refuses to agree to Senate amendment to

H. J R. No. 60; Calling upon the acting commissioner of the New State House for certain information;

And asks for a committee of conference on the subject-matter of difference between the Houses.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. Taylor,

Said resolution, with the pending amendment, was laid on the table.

Message from the House of Representatives.

Mr. President:

The House concurs in Senate amendments to

H. B. No. 237; To amend section 1 of an act entitled an act to regulate enclosures and to provide against trespassing animals, passed January 17, 1840.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. McKelley,

The Senate resolved itself into a committee of the whole, on the orders of the day, Mr. McKelley in the chair, and after some time spent therein, rose and reported that they had had under consideration and informally passed

S. B. No. 205; To amend the act entitled "an act to amend an act entitled an act fixing the rates of interest," passed January 12, 1824, and all other laws on that subject, passed March 14, 1830.

On motion of Mr. Taylor,

Said bill was made the special order of the day for to-morrow, the twenty-fifth of January.

On motion of Mr. Green,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

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TUESDAY, JANUARY, 25, 1859.

Prayer by the Rev. Edgar Woods.

Mr. Canfield presented the petition of A. C. Bowen and 90 others, residents of Medina county, praying for the repeal of the ten per cent. interest law.

Referred to the committee of the Whole.

S. B No. 210; To provide for canvassing the votes for Comptroller of the Treasury;

Was read the second time, committed to a committee of the Whole, and made the order of the day for this day.

H. B. No. 327; To authorize the commissioners of Hamilton county to appropriate an additional sum to aid in the construction of a bridge across the White Water River, near the village of Harrison;

Was read the second time, and referred to a select committee of three—Messrs. Thomas, Langdon and Hatch.

Mr. Taylor, on leave, introduced a bill,

S. B. No. 216; Supplementary to an act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852;

Which was read the first time.

Mr. Hatch, on leave, introduced a bill,

S. B. No. 217; To amend the act entitled "an act prescribing the duties of county auditors," passed and took effect March 23, 1840;

Which was read the first time.

Mr. Hatch, on leave, introduced a bill,

S. B. No. 218; To amend the act entitled an act to provide for the reorganization, supervision and maintenance of common schools, passed March 1, 1853;

Which was read the first time.

Mr. Shideler from the standing committee on Agriculture, reported back

H. B. No. 273; Requiring township assessors to ascertain the number of sheep killed and injured by dogs; without amendment.

The question then being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were demanded, and being ordered, resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelley, Miles, Morrow, Murdock, Perrill, Safford, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—29.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

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Mr. Shideler, from the same committee, reported back

S. B. No. 191; To amend the act entitled "an act to prevent the running at large of bulls, bucks and boars," passed April 12, 1858, took effect May 1, 1858; without recommendation.

The question being on ordering said bill to be engrossed, the same was disagreed to.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill of the Senate:

S. B No. 119; To enable associations for gymnastic purposes, to become bodies corporate.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 339; To authorize the trustees of Crane township, in Wyandot county, to borrow money, and levy a tax for certain purposes.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Mr. Morrow gave notice, that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to amend an act in relation to the payment of costs to justices of the peace, constables and others out of the county treasury.

On motion of Mr. Westcott,

The Senate resolved itself into a committee of the Whole on the special order of the day, being

S. B. N 178; To repeal an act entitled "an act to amend the act entitled an act fixing the rates of interest, passed January 12, 1824, and other laws on that subject," passed March 14, 1850,

Mr. Gard in the chair, and after some time spent therein, rose and reported that they had had under consideration the special order, being

S. B. No. 178; To repeal an act entitled an act to amend the act entitled an act fixing the rate of interest, passed January 12, 1824, and other laws on that subject, passed March 14, 1850, that they had progressed therein, asked and obtained leave to sit again.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the currence of the Senate in the same:

H. B. No. 303; To amend a certain act entitled "an act to authorize the commissioners of Hamilton county to surrender the lower river road and the extension thereof to the creditors and bondholders of said road.

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H. B. No. 338; To prohibit watchmen and other police officers from claiming witness fees in certain cases.

Attest: JOHN W. KERR, Clerk.

Said bills were severally read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 314; To provide for platting and recording fractions of land.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

Mr. Kincaid, on leave, introduced a bill:

S. B. No. 219; To amend the 30th section of an act of the jurisdiction and procedure before justices of the peace and of the duties of constables in civil courts, passed March 14, 1853, which was read the first time.

Mr. McCleary offered for adoption the following resolution:

Resolved, That the select committee to whom was referred House joint resolution relative to adjournment on the 10th of February next, be required to report back said resolution on to-morrow morning.

Mr. Thomas moved that said resolution be laid on the table, on which motion the yeas and nays were ordered, and resulted—yeas 19, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Hatch, Henkle, Kincaid, Morrow, Murdock, Perkey, Perrill, Safford, Schleich, Smith, Thomas, Vanatta, Westcott and Winans—17.

Those who voted in the negative were—

Messrs. Cadwell, Canfield, Gard, Gatch, Green, McCleary, Miles and Taylor—8.

So said motion to lay on the table prevailed.

On motion of Mr. Westcott,

The Senate took a recess.

THREE O'CLOCK P. M.

Mr. Schleich offered for adoption the following resolution, which was agreed to:

Resolved, That the auditor of State be and he is hereby requested to furnish the Senate, at an early day, with a statement of the amount of state taxes paid by the counties through which the canals of the State run, and the amount paid by counties having no canals, from the year 1826 to 1858, both inclusive; also the amount of money applicable to the canal fund or funds and derived from the sale of lands donated to the State by the general government.

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Mr. McKelly, from the standing committee on Railroads, reported back

H. B. No. 150; Supplementary to the act entitled "an act to create a lien in favor of mechanics and others in certain cases, and recommended its indefinite postponement.

The question then being on the indefinite postponement of said bill,

On motion, said bill was referred to a select committee of five—Messrs. Safford, Green, Westcott, Gatch and Schleich.

Mr. Thomas, from the standing committee on Municipal Corporations, reported back

H. B. No. 309; To authorize the city of Dayton to issue bonds to meet an indebtedness heretofore authorized by the General Assembly of the State of Ohio, and recommended its passage.

The question then being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were demanded and being ordered, resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cass, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Reid, Safford, Shideler, Schleich, Thomas, Vanatta, Westcott and Winans—26.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Hatch offered for adoption the following resolution, which was agreed to:

Resolved, That the standing committees on Public Benevolent Institutions, on Public Works, on State Buildings, on the Penitentiary, on the Library, on Claims, on Public Printing, on Reform School and State Asylum for Idiots, severally hand in to the standing committee on Finance, on or before the fifteenth day of February ensuing, statements in detail of the requisite appropriations for their departments for the year 1859, and that a copy hereof be furnished by the clerk to each of said committees.

Mr. Thomas, from a select committee, reported back

H. B. No. 397; To authorize the commissioners of Hamilton county to appropriate an additional sum to aid in the construction of a bridge across the White Water River, near the village of Harrison.

Said bill was then ordered to be read the third time to-morrow.

On motion of Mr. Green,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

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WEDNESDAY, JANUARY 26, 1859.

Prayer by the Rev. Edgar Woods.

Mr. Smith presented the petition of P. McKinbly and 170 others, residents and freeholders of Warren county, praying the enactment of a law compelling railroad companies to fence in said roads so as to prevent the destruction of stock and secure the lives of passengers; which was read at the clerk's desk, and

Referred to the committee on Railroads.

Mr. Safford presented the petition of the commissioners of Ross county, and 35 citizens of the city of Chillicothe, with reference to the protection of canal bridges.

Referred to the standing committee on Roads and Highways.

Mr. Cantwell presented the remonstrance of D. Brewer and 44 other citizens of Richland county, against the repeal of the ten per cent. law;

Which was read at the clerk's desk and laid on the table.

Mr. Shideler presented the petition A. V. Anter, W. F. Gilmore, C. M. Brookins, Thomas Morgan, Matthew B. Kelly, Jacob May, Elias Weup, Peter Shafner, and J. P. Brookins, asking that a law be passed taxing dogs.

The following bills were severally read the second time, committed to a committee of the Whole, and made the order of the day for this day:

S. B. No. 212; To amend section three of an act entitled "an act for the prevention of certain immoral practices," passed February 17, 1831.

S. B. No. 213; To authorize the election of one additional judge of the court of common pleas in the third subdivision of the ninth judicial district.

S. B. No. 214; To prevent the recovery of damages on protested bills of exchange, and to repeal section one of an act entitled "an act ascertaining damages on protested bills of exchange," passed February 15, 1831.

H. B. No. 203; To amend a certain act entitled "an act to authorize the commissioners of Hamilton county to surrender the Lower River Road, and the extension thereof, to the creditors and bond-holders of said road.

H. B. No. 314; To provide for platting and recording fractions of land.

H. B. No. 338; To prohibit watchmen and other police officers from claiming witness fees in certain cases.

H. B. No. 339; To authorize the trustees of Crane township, in Wyandot county, to borrow money and levy a tax for certain purposes.

H. B. No. 327; To authorize the commissioners of Hamilton county to appropriate an additional sum to aid in the construction of a bridge across the White Water River, near the village of Harrison;

Was read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were demanded, and being ordered, resulted, yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Chapman, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow,

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Murdock, Perkey, Perrill, Reid, Safford, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—30.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Miles gave notice, that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to amend section one of the act passed April 8, 1856, entitled "an act to amend the act to provide for the organization of cities and incorporated villages, passed May 3, 1853.

Mr. Schleich, on leave, and in pursuance of notice, introduced a bill:

S. B. No. 220; To let the superintendence and repairs of the Public Works of the State by contract;

Which was read the first time.

Mr. Cass, from the standing committee on Fees and Salaries, reported back

H. B. No. 147; To fix the compensation of county commissioners;

And recommended its passage.

The question then being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then ordered to be read the third time now.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

Mr. Winans moved to amend, by striking out all the first section after the word "auditor" in the 6th line, which reads as follows: "except in counties in which, by the last federal census, the population amounted to one hundred thousand or upwards, in which counties, each commissioner shall be allowed five dollars per day for his services, to be paid out of the county treasury as aforesaid."

Pending which, Mr. Langdon moved that said bill and amendment be committed to a select committee of three, with instructions to amend by striking out the clause giving mileage, without changing the existing law for counties exceeding one hundred thousand in population.

Mr. Taylor moved further to amend, as follows:

With instructions to report an amendment limiting the mileage that may be received by the commissioners under this act;

Which was agreed to.

The question then being on committing said bill, with the pending amendments, to a select committee of three, the same was agreed to.

The committee was composed of Messrs. Taylor, Winans and Perkey—Mr. Langdon having declined serving on said committee.

Mr. Kincaid asked and obtained leave of absence for the standing committee on Benevolent Institutions, until next Saturday.

Mr. Langdon offered for adoption the following resolution:

Resolved, That the standing committee upon Common Schools and School Lands, are hereby instructed to introduce into the Senate, at as early a day as practicable, a bill so amending the act to provide for the re-organization, supervision and maintenance of common schools, passed March 1st, 1853, as

First.—To cease to provide for the establishment and maintenance of high, central or graded schools.

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Second.—To limit the time when schools shall be free, to six months in the year.

Third.—To provide for the continuance of schools beyond the six months, by charge upon the parents or guardians sending; at the discretion of the local directors of the sub-district.

Fourth.—To place the building and repair of school houses, and the purchase or lease of sites for the same, under the immediate charge of the local directors of the sub-district.

Fifth.—To reduce the State levy for common school purposes to one mill upon the dollar taxation, and confine the township levy within suitable limits.

Sixth.—To provide that in distributing the amount collected upon the State levy among the several counties, each county shall receive the amount collected within its own boundaries.

And the said committee are in addition hereto required to consider the expediency of abolishing the office of school commissioner, and of abolishing or amending the library feature of the common school system, and report by bill or otherwise, as in their discretion shall seem best.

On motion of Mr. Schleich,

Said resolution was laid on the table, and ordered to be printed.

On motion of Mr. Chapman,

The Senate took a recess.

THREE O'CLOCK, P. M.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 295; To amend the act entitled "an act to fix the salaries of judges in certain cases."

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

Mr. Safford, on leave, introduced a bill,

S. B. No. 221; To provide for a geological and mineralogical survey of the State;

Which was read the first time.

On motion of Mr. Safford,

The Senate resolved itself into a committee of the Whole, on the special orders of the day, and after some time spent therein, rose and reported progress, asked and obtained leave to sit again.

On motion of Mr. Cadwell,

The Senate resolved itself into a committee of the Whole, on the orders of the day, Mr. Buckland in the chair, and after some time spent therein, rose and reported back the following bills, some with and some without amendment, and severally disposed of them as follows, viz:

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H. B. No. 303; To amend a certain act entitled "an act to authorize the commissioners of Hamilton county, to surrender the lower river road, and the extension thereof, to the creditors and bond-holders of said road;

Referred to a select committee of one—Mr. Hatch.

H. B. No. 314; To provide for platting and recording fractions of land; without amendment;

Referred to a select committee of one—Mr. Westcott.

H. B. No 338; To prohibit watchmen and other police officers from claiming witness fees in certain cases; without amendment;

Referred to the standing committee on the Judiciary.

H. B. No. 339; To authorize the trustees of Crane township, in Wyandott county, to borrow money and levy a tax for certain purposes; without amendment.

The question then being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then ordered to be read the third time to-morrow.

S. B. No. 210; To provide for canvassing the votes for Comptroller of the Treasury;

With one amendment; which was agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed, and ordered to be read the third time on to-morrow.

S. B. No. 212; To amend section three of an act entitled "an act for the prevention of certain immoral practices," passed Feb. 17, 1831; with one amendment.

Referred to the standing committee on the Judiciary.

S. B. No. 213; To authorize the election of an additional judge in the third subdivision of the ninth judicial district of the State of Ohio; without amendment.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed, and ordered to be read the third time on next Tuesday, February 1, 1858.

On motion of Mr. Phelps,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

THURSDAY, JANUARY 27, 1859.

Prayer by the Rev. Edgar Woods.

Mr. Gatch presented the petition of B. R. Deufer and 23 other citizens of Marion county, praying for certain modifications of the law regulating damages on bills of exchange, &c., which was read at the clerk's desk and committed to a committee of the whole Senate.

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Mr. Cantwell presented the petition H. R. Lyborger and 26 other citizens of Richland county, praying for the repeal of the 10 per cent. law. Laid on the table.

Mr. Hatch presented the memorial of several ladies of the city of Cincinnati, representing the evils arising from the unrestrained sale of intoxicating liquors, and asking for such change in the constitution as will require a license for the sale of the same.

Referred to the standing committee on Temperance.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

S. B. No. 215; Further to prevent the taking of usurious interest on the part of banks, and to prevent confession of judgment on warrants of attorney in favor of banks.

S. B. No. 216; To amend the act entitled "an act prescribing the duties of county auditors," passed and took effect March 23, 1840.

S. B. No. 219; To amend the 13th section of an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853.

H. B. No. 295; To amend the act entitled "an act to fix the salaries of judges in certain cases."

S. B. No. 216; Supplementary to an act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, was read the second time.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed and ordered to be read the third time to-morrow.

S. B. No. 210; To provide for canvassing the votes for comptroller of the treasury, was read the third time.

And the question being

"Shall the bill pass?"

The yeas and nays were demanded, and being ordered resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Smith, Taylor, Thomas, Westcott and Winans—29.

So said bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

H. B. No. 339; To authorize the trustees of Crane township in Wyandott county to borrow money and levy a tax for certain purposes, was read the third time.

And the question being,

"Shall the bill pass?"

The yeas and nays were demanded, and being ordered, resulted—yeas 24, nays 2, as follows:

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Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Gard, Gatch, Green, Hatch, Henkle, Langdon, McCleary, McKelly, Miles, Murdock, Perkey, Phelps, Shideler, Schleich, Taylor, Thomas, Westcott and Winans—24.

Messrs. Holloway and Morrow voted in the negative.

So said bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

Mr. Winans, on leave, introduced a bill:

S. B. No. 222; To amend the act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed February 13, 1853;

Which was read the first time.

Mr. Canfield, from the standing committee on Schools and School Lands, reported back

S. B. No. 207; To amend and supplementary to an act entitled "an act to provide for the reorganization, supervision and maintenance of common schools," passed March 14, 1853, with sundry amendments, which were agreed to.

The question being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed and ordered to be read the third time to-morrow.

Mr. Phelps, from the standing committee on the Judiciary, reported back

H. B. No. 74; To provide for holding additional terms of the court of common pleas of Miami county, to be held at the city of Piqua for the trial of certain causes therein provided.

Mr. McCleary moved to refer said bill to a select committee of one.

Mr. Winans moved to amend by adding "with instructions to report it back on next Thursday."

Mr. Reid demanded a division of the question.

The question then being on referring said bill to the select committee, the yeas and nays were ordered, and resulted—yeas 12, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Hatch, Henkle, McCleary, Perkey, Perrill, Phelps, Reid, Schleich, Smith, Thomas and Westcott—12.

Those who voted in the negative were—

Messrs. Buckland, Cadwell, Canfield, Cass, Chapman, Gard, Gatch, Green, Holloway, Kincaid, Langdon, McKelly, Miles, Morrow, Murdock, Shideler, Taylor and Winans—17.

So said motion to refer did not prevail.

Mr. McKelly moved that said bill be indefinitely postponed.

Pending which, Mr. Reid moved to refer said bill to a select committee of five, with instructions to report on next Thursday, on which motion the yeas and nays were ordered, and resulted—yeas 16, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Gard, Hatch, Henkle, Holloway, McCleary, Miles, Perkey, Perrill, Reid, Schleich, Smith, Taylor, Thomas and Westcott—16.

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Those who voted in the negative were—

Messrs. Buckland, Cadwell, Canfield, Cass, Gatch, Green, Langdon, McKelly, Morrow, Murdock, Shideler and Winans—12.

So said motion to commit prevailed.

Mr. Langdon, from a majority of the select committee, made the following report:

The select committee of three, to which was referred H. J. R. No. 60; To adjourn *sine die* on the tenth day of February, have had the same under consideration, and ask leave to report thereon as follows, to wit: Since receiving the above the Senate has received official information from the investigating commission, that it would *probably* be able to report in *about a month*.

Your committee believe that it would be barely possible to prepare and pass the necessary appropriation bills by the time fixed by the House for the adjournment, and there would necessarily be left undone matters of legislation upon which much time has already been expended, and which are of great importance to the prosperity of our people, and the convenience of our government. Your committee hope and believe, that without the intervention of unforeseen and unexpected difficulties, the General Assembly may adjourn *sine die* on the first Monday of March, without detriment to public interests. Nevertheless, in view of the great importance which attaches to the report of the investigating commission, and the consequent legislation which may be rendered advisable by it; your committee deem it the part of wisdom for the General Assembly to remain in session until such report shall have been received. And by reason of the uncertainty, as well as to the time when such report will be made, as to what it may contain, they regard it as inexpedient, at this time, to fix the date of a *sine die* adjournment. They therefore ask to be continued in possession of the subject.

Respectfully,
E. BASSETT LANGDON,
THOS. W. CHAPMAN.

On motion of Mr. Morrow,

The Senate took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Gatch,

A call of the Senate were had and twenty-two Senators answered to their names.

On motion, all further proceedings under the call was dispensed with.

Mr. Phelps, from the standing committee on the Judiciary, reported back sundry petitions relative to the taking of the issue of marriage licenses from the probate judges, and giving them to the clerk of the court of common pleas, and asked to be discharged from the further consideration of the subject, which was granted.

Also, from the same committee, reported back

S. B. No. 132; To amend an act entitled "an act to establish a code of civil procedure," passed March 11, 1853, and recommended that it lay upon the table;

Which was agreed to.

Also, from the same committee, reported back

S. B. No. 201; To amend the third section of an act entitled "an act to fix the salaries of judges in certain cases," passed April 12th, 1858, and recommended that said bill be indefinitely postponed;

Which was agreed to.

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Also, from the same committee, reported bank

S. B. No. 196; To amend sections 231 and 239 of the act to establish a code of civil procedure, passed March 11, 1853.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then read at the clerk's desk, and ordered to be read the third time now.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Canfield, Cantwell, Cass, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, McCleary, McKelley, Miles, Murdock, Perkey, Phelps, Reid, Shideler, Schleich, Smith, Taylor, Thomas, Westcott and Winans—24.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from the same committee, reported back

H. B. No. 270; To amend the second section of an act passed April 12, 1858, entitled "an act to amend an act entitled an act providing for the election of coroners and sheriffs, and fixing their term of office," passed March 8, 1854.

The question then being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 24, nays 1 as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Canfield, Cantwell, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Langdon, McCleary, McKelly, Miles, Perkey, Phelps, Shideler, Schleich, Smith, Taylor, Thomas, Westcott and Winans—24.

Mr. Reid voted in the negative.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from the same committee, reported back

H. B. No. 278; Supplementary to an act entitled "an act defining certain duties of clerks, sheriffs and prosecuting attorneys," passed February 26, 1842.

The question then being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then ordered to be read the third time now.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 21, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Cantwell, Chapman, Gard, Gatch, Green, Hatch,

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Henkle, McCleary, McKelly, Perkey, Phelps, Reid, Shideler, Schleich, Smith, Taylor, Thomas, Westcott and Winans—21.

Those who voted in the negative were—

Messrs. Canfield, Holloway, Langdon and Miles—4.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Reid, from the standing committee on Privileges and Elections, reported back

S. B. No. 76; To amend section 16 of the act entitled "an act for the incorporation of townships," passed March 14, 1853,

And recommended its indefinite postponement; which was agreed to.

Also from the same committee,

H J. R. No. 28; Relative to securing uniformity in election returns made to the Secretary of State and President of the Senate,

And recommended its passage.

The question then being on agreeing to said H. J. R., No. 28,

The yeas and nays were ordered, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Canfield, Cantwell, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Langdon, McCleary, McKelly, Miles, Murdock, Perkey, Phelps, Reid, Shideler, Schleich, Smith, Taylor, Thomas, Westcott and Winans—26.

So said resolution was agreed to.

Mr. Phelps, from the judiciary committee, reported back

S. B. No. 67; To repeal an act therein named,

With one amendment; which was agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then ordered to be read the third time on next Thursday, the 3d of February, 1859.

Mr. Westcott, from a select committee, reported back

H. B. No. 314; To provide for platting and recording fractions of land,

And recommended its passage.

The question then being on ordering said bill to its third reading, the same was decided in the affirmative.

Said bill was then ordered to be read the third time on Wednesday, the 2d of February, 1859.

Mr. Holloway, from a select committee, reported back

S. B. No. 124; For the punishment of an offence therein named;

And on motion,

Said bill was referred to the standing committee on the Judiciary.

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Mr. Hatch, from a select committee, reported back

S. B. No. 136; To amend an act therein named, without amendment.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed, and ordered to be read the third time to-morrow.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 192: Prescribing the time when the official term of the judges of the courts of common pleas shall begin.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 51; Relative to constructing embankment on Hocking Canal.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has indefinitely postponed

S. B. No. 187; To authorize county commissioners to reduce the width of county roads.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has indefinitely postponed

S. B. No. 115; To prohibit the circulation of foreign bank bills of a less denomination than ten dollars.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 324; To authorize the commissioners of Scioto county to purchase grounds and to provide for the erection of a county jail.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

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Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 8; To repeal the ten per cent. law, passed March 14, 1859.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following joint resolution, and requests the concurrence of the Senate in the same:

H. J. R. No. 66; Relative to instructing the Attorney General to bring suit against Joseph Cable.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Phelps,

Said resolution was referred to the standing committee on Public Works.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 341; To fix the time and provide for the holding of the terms of the district court and court of common pleas in the several counties of the several judicial districts of the State of Ohio.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

On motion of Mr. Taylor,

The constitutional rule was suspended, and said bill was read the second time, and referred to the standing committee on the Judiciary.

The President appointed as the select committee to which was referred

H. B. No; 74; Relative to the Miami county judicial matter; Messrs. Rei Smith, McCleary, Green and Winans.

On motion of Mr. Langdon,

The Senate took from the table H. J. R. No. 60; Relative to the State House Commissioners, and certain questions propounded to them;

Which was agreed to.

Mr. Langdon moved that the Senate insist upon its amendment and accede to the request of the House for a committee of conference.

On which motion the yeas and nays were ordered, and resulted yeas 19, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Canfield, Cantwell, Gatch, Green, Hatch, Henkle, Holloway, Langdon, McCleary, McKelley, Miles, Perkey, Phelps, Smith, Taylor, Westcott and Winans—19.

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Those who voted in the negative were—

Messrs. Chapman, Reid, Shideler, and Schleich—4.

So said motion prevailed, and Messrs. Langdon and Canfield were appointed said committee of conference on the part of the Senate.

Mr. Westcott, on leave, introduced a bill,

S. B. B. No. 223; Requiring judges of the courts of common pleas to reduce their charges and instructions to the jury in certain cases, to writing;

Which was read the first time.

On motion of Mr. Langdon,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

FRIDAY, JANUARY 28, 1859.

Prayer by the Rev. Edgar Woods.

Mr. Canfield presented the petition of Emily A. Jordan and 67 other residents of Medina county, in relation to extending the right of suffrage to women.

Referred to the committee on Woman's Rights.

Mr. Canfield presented the petition of Luther Day and 80 others, residents of Portage county, praying for the passage of a law by which associations for the raising of horses, cattle or other stock, or for improving the breeds of the same, may obtain corporate powers.

Referred to a select committee of one—Mr. Canfield.

Mr. Smith presented the petition of R. Snell, Esq., and 27 others, residents of Warren county, praying an alteration in the road law, so as to give to each person living on a township road, the privilege of working his two days work and also his road tax on said township road, where it is laid out for their own convenience, but still a public highway.

Referred to the committee on Roads and Highways.

Mr. Smith presented the petition of R. S. Lockwood and 16 others, residents of Warren county, remonstrating against the repeal of any of the laws regulating interest, unless all are repealed and free trade in money permitted, excepting where no contract is made between the parties;

Referred to the committee on Currency.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

H. B. No. 8; To repeal the ten per cent. law passed March 14, 1850.

H. B. No. 324; To authorize the commissioners of Scioto county to purchase grounds and to provide for the erection of a county jail.

S. B. No. 216; Supplementary to "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, was read the third time.

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And the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, McCleary, Miles, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Thomas, Westcott and Winans—26.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 207; To amend and supplementary to an act entitled "an act to provide for the reorganization, supervision and maintenance of common schools," passed March 14, 1853, was read the third time.

On motion of Mr. Miles,

Said bill was laid on the table.

S. B. No. 136; To amend an act therein named, was read the third time.

And the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Canfield, Cantwell, Chapman, Gard, Gatch, Green, Hatch, Langdon, McKelly, Miles, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Thomas, Westcott and Winans—23.

So said bill having received a constitutional majority was passed.

Mr. Hatch moved to amend the title as follows: strike out all of the same and insert the following:

To repeal and supercede so much of the act entitled "an act to authorize the commissioners of Hamilton county to surrender the lower river road, and the extension thereof to the creditors and bondholders of said road," passed April 15, 1857, and all amendments thereto, as relates in any way or manner to the said lower river road.

Said amendment was then agreed to.

The title of the bill as amended was then agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill and requests the concurrence of the Senate in the same:

H. B. No. 336; To provide for districting any county in this State when commissioners of said county have failed to district in accordance with the provisions of an act to amend an act passed April 13, 1852, entitled an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money, passed April 12, 1858.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

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Mr. Phelps, from the standing committee on the Judiciary, reported back

H. B. No. 341; To fix the time and provide for the holding of the terms of the district court and court of common pleas in the several counties of the several judicial districts of the State of Ohio, with an amendment, which was agreed to.

The question being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then read the third time.

And the question being

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Cantwell, Cass, Gard, Gatch, Green, Hatch, Henkle, Langdon, McCleary, McKelly, Miles, Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Thomas and Westcott—23.

Those who voted in the negative were—

Messrs. Canfield, Chapman and Winans.

So said bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

Mr. Westcott, from the standing committee on Claims, offered for adoption the following resolution, which was agreed to:

Resolved, That the standing committee on Finance be and they are hereby instructed to provide, in the general appropriation bill, to pay the claim of Lewis Lillie, for a safe furnished for the office of the commissioners of the Sinking Fund, amounting to the sum of six hundred and forty-six dollars and ten cents, ($646 10) and that said committee be furnished with a copy of this resolution.

Mr. Cadwell, from a select committee, reported back

S. B. No. 176; Supplementary to an act entitled "an act providing for the punishment of crimes," passed March 9, 1839, with sundry amendments.

On motion, said bill, with the pending amendments, was referred to the committee of the whole Senate and made the order of the day for this day.

Mr. Canfield, from a select committee, introduced a bill:

S. B. No. 224; Supplementary to the act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852;

Which was read the first time.

Mr. Buckland, from a select committee, reported back

S. B. No. 105; To protect religious meetings;

Referred to the standing committee on the Judiciary.

Mr. Westcott asked and obtained leave of absence until next Tuesday morning.

Leave of absence was also granted to Messrs. Perkey and McCleary until next Tuesday.

Leave of absence was granted to the standing committee on Reform Schools, for Tuesday and Wednesday of next week.

Leave of absence was granted to Mr. Safford for ten days.

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Mr. Gard offered for adoption the following resolution, which was agreed to:

Resolved, That when this Senate adjourns this day, it adjourns until next Tuesday at 10 o'clock A. M.

On motion of Mr. Miles,

The Senate resolved itself into committee of the Whole on the orders of the day —Mr. Langden in the chair; and after some time spent therein, rose and reported progress on sundry bills, and asked and obtained leave to sit again.

On motion of Mr. Thomas,

The Senate took a recess.

THREE O'CLOCK P. M.

On motion, a call of the Senate was had, and eighteen Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bill, and the same is now ready for the signature of the President of the Senate:

H. B. No. 290; An act making partial appropriations for the year 1859.

Attest: JOHN W. KERR, Clerk.

The President of the Senate then, in the presence of the Senate, signed the foregoing bill.

Mr. Cadwell offered for adoption the following resolution:

Resolved, That the investigating committee appointed by the act of April 12, 1858, are hereby requested to report to the Senate whether in their opinion any legislation will be necessarily required when they shall make their report upon any matters connected with said report.

Mr. Reid moved to lay the resolution on the table.

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 9, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Hatch, Henkle, McKelly, Murdock, Reid, Schleich, Smith and Thomas—9.

Those who voted in the negative were—

Messrs. Buckland, Cadwell, Canfield, Gard, Gatch, Green, Miles, Taylor and Winans—9.

The President giving the casting vote, voting against laying on the table.

So said motion was lost.

On motion of Mr. Reid,

A call of the Senate was had and 18 members answered to their names.

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Mr. Taylor moved that all further proceedings under the call be dispensed with.

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 10, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Cass, Canfield, Gard, Gatch, Green, Miles, Taylor and Winans—10.

Those who voted in the negative were—

Messrs. Hatch, Henkle, McKelly, Murdock, Reid, Schleich, Smith and Thomas—8.

So said motion prevailed.

Mr. Hatch moved that said resolution be committed to a select committee of one.

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 11, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Henkle, Hatch, McKelly, Murdock, Perrill, Reid, Safford, Schleich, Smith and Thomas—11.

Those who voted in the negative were—

Messrs. Buckland, Cadwell, Canfield, Gard, Gatch, Green, Miles, Taylor and Winans—9.

So said motion to commit prevailed, and said resolution was referred to a select committee of one—Mr. Hatch.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No. 268; An act supplementary to the act fixing the fees of sheriffs and constables.

H. B. No. 311; To amend the 314th section of the code of civil procedure.

H. B. No. 310; Authorizing courts to order abstracts of legal advertisements to be published.

H. B. No. 344; To amend section 64 of an act entitled an act to provide for the re-organization, supervision and maintenance of common schools, passed March 14, 1853.

Attest: JOHN W. KERR, Clerk.

Said bills were severally read the first time.

Mr. Canfield, from a select committee, reported back

S. B. No. 148; To better define the duties of married women, with an amendment, striking out all after the enacting clause, and inserting a new bill.

On motion, said bill, with the pending amendment, was laid on the table, and said amendment ordered to be printed.

Mr. Phelps, on leave, introduced a bill:

S. B. No. 225; To amend an act to provide for the execution of deeds, for land sold by the State of Ohio, and for other purposes passed April 16, 1857;

Which was read the first time.

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On motion of Mr. Phelps,

The Senate resolved itself into a committee of the whole on the order of the day, Mr. Gatch in the chair, and after some time spent therein, rose and reported back sundry bills, and disposed of them as follows:

H. B. No. 295; To amend the act entitled "an act to fix the salaries of judges in certain cases, without amendment.

Referred to the standing committee on the Judiciary.

S. B. No. 215; Further to prevent the taking of usurious interest on the part of Banks, and to prevent confession of judgment on warrants of attorney, in favor of Banks, without amendment.

Referred to the standing committee on the Judiciary.

S. B. No. 217; To amend the act entitled "an act prescribing the duties of county auditors," passed, and took effect, March 23, 1840, without amendment.

Referred to the select committee on the revision of the tax laws.

On motion, a call of the Senate was had, and 23 Senators answered to their names.

On motion all further proceedings under the call were dispensed with.

Mr. Winans offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That the first and second of the series of resolutions entitled "Senate Resolution, relative to Kansas affairs," adopted January 20, 1858, be and the same are hereby amended so as to read as follows:

1 *Resolved*, That a majority of this General Assembly have a still confidence in the disinterestedness, the integrity and the ability of the present Chief Magistrate of these United States.

2 *Resolved*, That said majority still adheres to, and reaffirms all the doctrines of the Cincinnati platform, so far as said doctrines may be held consistently with a silent support of the administration of the Chief Magistrate aforesaid; protesting, nevertheless, the right of each individual member of the great national democratic party, in a race between a United States marshall and a fugitive slave, to "holler once for the marshall, and twice for the nigger."

Resolved, That the first and second of said original series of resolutions be and the same are hereby rescinded and repealed.

Resolved, That the Governor be requested to forward to each of our Senators and Representatives in Congress, and to the President of the Charleston convention, a copy of these resolutions.

On which resolution the yeas and nays were demanded and being ordered, resulted, yeas 1, nays 18, as follows:

Mr. Henkle voted in the affirmative.

Those who voted in the negative were—

Messrs. Buckland, Cadwell, Canfield, Cantwell, Cass, Gard, Gatch, Green, Hatch, Holloway, Miles, Murdock Phelps, Safford, Smith, Taylor, Thomas and Winans —18.

So said resolution was not agreed to.

On Motion of Mr. Thomas

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

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TUESDAY, FEBRUARY 1, 1859.

Prayer by the Rev. L. Taft.

The President being absent, the Senate was called to order by the Hon. R. P. Buckland, the oldest Senator present.

On motion, the Senate proceeded to elect a President, *pro tem.*

Mr. Hatch nominated Mr. Langdon.

There being no other nomination,

Those who voted for Mr. Langdon were—

Messrs. Buckland, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Green, Hatch, Kincaid, McCleary, McKelley, Miles, Morrow, Murdock, Perkey, Perrill, Reid, Shideler, Vanatta and Winans—22.

So Mr. Langdon having received a majority of all the votes cast, was declared duly elected President *pro tem*, and having taken the oath of office, administered to him by Hon. James Williams, Notary Public in and for the county of Franklin, proceeded to the discharge of his duties.

Mr. Cantwell presented the petition of John Crall and 69 other citizens of Richland county, asking for the repeal of the 10 per cent. law.

Laid on the table.

Also, the petition of the Mayor and other officers of the town of Ashland, praying for bonds to be issued to pay certain indebtedness of said town.

Laid on the table.

Mr. Chapman presented the petition of M. N. Vick and other citizens of Marlboro and vicinity, asking a law to be enacted against the rendition of slaves.

Referred to the standing committee on Federal Relations.

Mr. Winans presented the petition of D. G. Dean and 171 others of Greene county, asking for an amendment to the school law, so that each county shall be required to support its own schools.

Referred to the standing committee on Schools and School Lands.

Mr. Hatch presented the memorial of 110 citizens of Hamilton county, representing that the prohibition of licensing the sale of intoxicating liquors, tends to the increase of drunkenness, vagabondism and crime; and asking the Legislature to provide for a submission of the question of an alteration of the constitution on that subject to a vote of the people.

Referred to the committee on Temperance.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

S. B. No. 220; To let the superintendence and repairs of the public works of the State by contract.

S. B. No. 221; To provide for a geological and mineralogical survey of the State.

S. B. No. 222; To amend the act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed Feb. 13, 1853.

S. B. No. 223; Requiring judges of the court of common pleas to reduce their charges and instructions to the jury in certain cases, to writing.

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S. B. No. 224; Supplementary to an act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

H. B. No. 344; To amend section 64 of an act entitled "an act to provide for the re-organization, supervision and maintenance of common schools," passed March 14, 1853.

H. B. No. 311; To amend the 314th section of the code of civil procedure.

H. B. No. 336; To provide for districting any county in the State, when the commissioners of said county have failed to district in accordance with the provisions of an act to amend an act passed April 13, 1852, entitled "an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," passed April 12, 1858.

H. B. No. 268; An act supplementary to the act fixing the fees of sheriffs and constables.

H. B. No. 310; Authorizing courts to order abstracts of legal advertisements to be published.

S. B. No. 218; To amend the act entitled "an act to provide for the re-organization, supervision and maintenance of common schools," passed March 1, 1853; was read the second time, and

Referred to the select committee appointed to revise the tax law.

During the second reading a call of the Senate was had, and 17 Senators answered to their names.

On motion of Mr. Cadwell,

Mr. Taylor was excused.

On motion of Mr. Perkey,

Mr. Westcott was excused.

The Sergeant-at-arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate, on motion,

All further proceedings under the call were dispensed with.

On motion of Mr. Cadwell,

S. B. No. 213; To authorize the election of an additional judge of the court of common pleas, in the third sub-division of the ninth judicial district,

Was referred to a select committee of one—Mr. Cadwell.

Message from the House of Representatives.

Mr. President:

The House concurs in Senate amendments to

H. B. No. 341; To fix the time and provide for the holding of the terms of the district court and court of common pleas in the several counties of the several judicial districts of the State of Ohio.

Attest: JOHN W. KERR, Clerk.

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Message from the House of Representatives.

Mr. President:

The House has appointed on the committee of conference on

H. J. R. No. 60; Relative to calling on the State House Commissioners for certain information, Messrs. Paine, Bagley and Morse.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following joint resolution, and requests the concurrence of the Senate in the same:

H. J. R. No. 70; Relative to sectional and unconstitutional legislation.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. Cadwell,

Said resolution was laid on the table.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 343; To authorize the commissioners of Hamilton county to surrender the Cumminsville and Clifton turnpike road to the creditors and bondholders thereof.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

On motion of Mr. Hatch,

The Senate took a recess.

THREE O'CLOCK P. M.

The President pro tem. directed a call of the Senate, when seventeen Senators answered to their names.

The Sergeant-at-arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion of Mr. Perrill,

All further proceedings under the call were dispensed with.

Mr. Buckland offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That the Board of Public Works are hereby authorized and directed to cause the ditches and culverts of the Maumee and Western Reserve road to be enlarged and new ditches and culverts constructed where necessary, in order to carry off all the water which may flow into them and to prevent the adjoining lands from being overflown by such water.

Referred to the standing committee on Public Works.

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Mr. Buckland, on leave, introduced a bill:

S. B. No. 226; Providing for juries in the trial of offences before justices of the peace in certain cases;

Which was read the first time.

On motion of Mr. Shideler,

The Senate resolved itself into a committee of the whole on the orders of the day—Mr. Shideler in the chair, and after some time spent therein, rose and reported back

H. B. No. 311; To amend the 314th section of the code of civil procedure.

Referred to the standing committee on the Judiciary.

H. B. No. 344; To amend section 64 of an act entitled "an act to provide for the re-organization, supervision and maintenance of common schools," passed March 14, 1853.

Referred to the standing committee on Schools and School Lands.

H. B. No. 336; To provide for districting any county in the State when the commissioners of said county have failed to district in accordance with the provisions of an act to amend an act passed April 15, 1852, entitled "an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," passed April 12, 1858.

Referred to the select committee on the Revision of the Tax Law.

H. B. No. 310; Authorizing courts to order abstracts of legal advertisements to be published, with one amendment, striking out all after the enacting clause.

Referred, with the pending amendment, to the standing committee on the Judiciary.

H. B. No. 268; An act supplementary to the act fixing the fees of sheriffs and constables.

Referred to the standing committee on the Judiciary.

S. B. No. 222; To amend the act entitled "an act prescribing the duties of supervisors and relating to roads and highways," passed February 13, 1853.

Referred to the standing committee on Roads and Highways.

Message from the House of Representatives.

Mr. President:

The House has passed

H. B. No. 288; Supplementary to "an act for the encouragement of agriculture," passed February 28, 1846.

H. B. No. 355; To authorize the trustees of Green township in the county of Scioto, to prosecute in their name civil actions in certain cases, relative to school lands ceded by congress to the district of country known as "French Grant."

H. B. No. 365; Making a partial appropriation to meet the current expenses of the Northern Ohio Lunatic Asylum for the year 1859,

And requests the concurrence of the Senate in the same.

Attest: JOHN W. KERR, Clerk.

Said bills were severally read the first time;

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Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 210; To provide for canvassing the votes for Comptroller of the Treasury.

Attest: JOHN W. KNOX, Clerk.

On motion of Mr. Miles,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

WEDNESDAY, FEBRUARY 2, 1859.

Prayer by the Rev. L. Taft.

Mr. McCleary presented the petition of Robert Hillis and 45 others, citizens of Stark county, against the rendition of slaves.

Referred to the standing committee on Federal Relations.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day.

H. B. No. 288; Supplementary to "an act for the encouragement of agriculture," passed February 28, 1840.

H. B. No. 355; To authorize the Trustees of Green township, in the county of Scioto, to prosecute in their own name, civil actions in certain cases, relative to school lands, ceded by Congress to the district of country known as "French Grant."

H. B. No 343; To authorize the commissioners of Hamilton county to surrender the Cumminsville and Clifton turnpike road to the creditors and bond holders thereof, was read the second time and referred to a select committee of three, Messrs. Hatch, Langdon and Thomas.

H B. No. 365; Making a partial appropriation to meet the current expenses of the Northern Ohio Lunatic Asylum for the year 1859, was read the second time, and

Referred to the standing committee on Public Benevolent Institutions.

H. B. No. 314; To provide for platting and recording fractions of land,

Was read the third time, and the question being

"Shall the bill pass."

The yeas and nays were ordered, and resulted, yeas 20, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, McCleary, Miles, Murdock, Perkey, Perrill, Reid, Shideler, Vanatta and Westcott—20.

Those who voted in the negative were—

Messrs. Taylor and Winans—2.

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So said bill having received a constitutional majority, was passed.

The preamble of the bill was then agreed to.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 356; To authorize the making of real estate indexes, and further to prescribe the duties of county commissioners and recorders in certain counties.

H. B. No. 368; To amend the 186th section of the code of civil procedure before justices of the peace.

Attest: JOHN W. KERR, Clerk.

Said bills were severally read the first time.

Message from the House of Representatives.

Mr. President:

The House has indefinitely postponed

S. B. No. 196; To amend sections 231 and 239 of the act to establish a code of civil procedure.

Attest: JOHN W. KERR, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed:

S. B. No. 48; Ta amend the 138th section of an act of the jurisdiction and procedure before justices of the peace, and the duties of constables in civil cases, passed March 14, 1853.

Attest: JOHN W. KERR, Clerk.

Mr. Buckland, on leave, introduced a bill,

S. B. No. 227; To authorize the adoption of children;

Which was read the first time.

Mr. Taylor, from a select committee, reported back

H. B. No. 147; To fix the compensation of county commissioners; with one amendment;

Which was agreed to.

The question then being

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 17, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Langdon, McCleary, Perrill, Taylor, Vanatta, Westcott and Winans—17.

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Those who voted in the negative were—

Messrs. Miles, Murdock, Reid and Shideler—4.

So said bill not having received a constitutional majority, was lost.

On motion of Mr. Taylor,

The vote by which said bill was lost, was reconsidered.

On motion of Mr. Taylor,

Said bill was laid on the table.

Mr. Chapman offered for adoption the following resolution, which was agreed to:

Resolved by the General Assembly of the State of Ohio, That there be appointed a joint select committee of two on the part of the Senate and ——— on the part of the House, to visit the Charity School of Kendall, in Stark county, Ohio, and to examine the books and papers of said school, its financial condition and present management, and report what legislation if any, is necessary to make said school more efficient.

Mr. Miles offered for adoption the following resolution, which was agreed to:

Resolved, That the committee on fees and salaries be instructed to inquire into and report whether the allowance made to sheriffs in the 3d section of the act of 1837, (entitled "an act regulating the fees of sherffs in civil and criminal cases") is not in many of the counties in this State, inadequate to the duties which they are required to perform; and whether the principle upon which they are paid for that service is not wrong, and that they report by bill or otherwise.

On motion of Mr. Gatch,

The Senate resolved itself into a committee of the whole, on the orders of the day, Mr. Shideler in the chair, and after some time spent therein, rose and reported that they had had under consideration sundry bills, reported progress therein, asked and obtained leave to sit again.

The following communication was received from the Governor by the hands of his private secretary, A. M. Gangewer, Esq.:

STATE OF OHIO, EXECUTIVE DEPARTMENT,
COLUMBUS, February 1, 1859.

To the General Assembly of the State of Ohio:

I herewith transmit, in manuscript, the report of the Commissioner of Statistics for 1858. As but one copy is received, it is sent to the Senate.

S. P. CHASE.

Mr. Taylor offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That 500 copies of the annual report of the Commissioner of Statistics, be printed in the usual form, for the use of said Commissioner, 300 copies for the use of the State Librarian, for distribution and exchange, 200 copies for the use of the Secretary of State, and 2,000 copies for the use of the Legislature, and 1,000 copies thereof be bound in the same manner as the report made last year, and distributed in the above proportions.

On which resolution, the yeas and nays were demanded, and being ordered resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Corwine, Gard, Gatch, Green, Hatch, Henkle,

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Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Shideler, Taylor, Vanatta, Westcott and Winans—21.

So said resolution was adopted.

On motion of Mr. Cadwell,

S. B. No. 176; Supplementary to an act entitled "an act providing for the punishment of crimes," passed March 7, 1835, was made the special order of the day for Thursday, the 10th of February.

On motion of Mr. Henkle,

The committee of the Whole was discharged from the further consideration of

S. B. No. 211; To amend the 406th section of the code of civil procedure;

And the same was referred to a select committee of one—Mr. Henkle.

Mr. Green, on leave, presented the petition of Thos. E. Richards and 41 other citizens of Washington county, praying for the passage of a law providing for the collection of taxes in the various townships by township treasurers.

Referred to the select committee on the Revision of the Tax Law.

On motion of Mr. Perkey,

The Senate took a recess.

THREE O'CLOCK P. M.

Mr. Morrow, on leave, introduced a bill:

S. B. No. 228; To amend an act entitled an act "to organize and discipline the militia and volunteer militia," passed March 28, 1857;

Which was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No. 353; To amend the 38th section of an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money, passed April 13, 1852.

H. B. No. 354; To amend section 415 of the code of civil procedure.

Attest: JOHN W. KEES, Clerk.

Said bill was severally read the first time.

Mr. Miles, from a select committee, reported back

S. B. No. 190; To amend section 1 of the act passed April 12, 1858, entitled an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Jefferson, Franklin and Scioto, with an amendment, striking out the word Knox wherever it occurs in said bill; which was agreed to.

On motion, said bill was laid on the table.

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Mr. Westcott offered for adoption the following resolution, which was agreed to:

Resolved, That Messrs. Shideler and Taylor be added to the standing committee on Claims.

Mr. Green offered for adoption the following resolution, which was agreed to:

Resolved, That the standing committee on Printing be requested to ascertain, and report to the Senate, the reasons why the report of the Commissioners of the State Library for 1858, has not been printed.

On motion of Mr. Ashmun,

The Senate resolved itself into a committee of the whole, on the orders of the day, Mr. Kincaid in the chair, and after some time spent therein, rose and reported back

H. B. No. 355; To authorize the trustees of Green township, in the county of Scioto, to prosecute in their name, civil actions in certain cases, relative to school lands, ceded by Congress to the district of county known as "French Grant," without amendment.

Referred to a select committee of one—Mr. Corwine.

H. B. No. 288; Supplementary to an act for the encouragement of agriculture, passed February 28, 1846; without amendment.

Referred to the standing committee on Agriculture.

H. B. No. 324; To authorize the commissioners of Scioto county to purchase ground, and to provide for the erection of a county jail.

Referred to a select committee of one, Mr. Corwine.

On motion of Mr. Westcott,

The Senate resolved itself into a committee of the whole, on the orders of the day, Mr. Shideler in the chair, and after some time spent therein, rose and reported back sundry bills, some with and some without amendment, as follows;

S. B. No. 223; Requiring judges of the court of common pleas to reduce their charges and instructions to the jury, in certain cases, to writing.

Referred to the standing committee on the Judiciary.

S. B. No. 219; To amend the 13th section of an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts, passed March 14, 1853, with one amendment.

On motion, said bill, with the pending amendment, was referred to the standing committee on the Judiciary.

Mr. Morrow, on leave, and in pursuance of notice, introduced a bill,

S. B. No. 229; To amend an act in relation to the payment of costs to justices of the peace, constables, and others, out of the county treasury; which was read the first time.

Mr. Taylor offered for adoption the following resolution, which was laid on the table and ordered to be printed:

WHEREAS, By section four, of article two, of the Constitution of the State of Ohio, it is declared that "No person holding office under the authority of the United States, or any lucrative office under the authority of this State, shall be eligible to, or have a seat in the General Assembly;" and,

Whereas, William J. Jackson, a member of the House of Representatives of this General Assembly, elected on the second Tuesday of October, 1857, was,

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on the 20th day of April, 1858, appointed by Abner L. Backus, the member of the Board of Public Works having charge of that division of the Public Works, to the office of Resident Engineer on the Northern Division of the Miami and Erie Canal, at a salary of $1,500 per annum; and,

Whereas, The said William J. Jackson, so being such member of the House of Representatives as aforesaid, held the said office of Resident Engineer, and received the salary thereto belonging, amounting to the sum of $1,062 50, until the 31st day of December, 1858, and just before the meeting of this General Assembly at the adjourned session thereof, when he resigned; and,

Whereas, The appointment of the said William J. Jackson to the office of Resident Engineer, while he continued to be and was a member of this General Assembly as aforesaid, was a clear violation of the aforesaid provision of the Constitution of this State; therefore,

Resolved, by the General Assembly of the State of Ohio, That the said appointment of the said William J. Jackson to the office of Resident Engineer, being an infraction of the Constitution of the State, was and is inoperative and void; and the Attorney General is hereby instructed to bring an action against the said William J. Jackson, in behalf of the State of Ohio, to recover of him, the said Jackson, said sum of $1,062 50, so as aforesaid unlawfully paid to him.

On motion of Mr. Perkey,

The Senate adjourned.

A t : C. W. BLAIR, Clerk.

THURSDAY, February 3, 1859.

Prayer by the Rev. L. Taft

Mr. Smith presented the petition of Samuel Rogers and 31 others, residents o Warren county, praying an alteration of the law of 1854, so as to prevent the costs being payable by the county, made by prosecuting under the liquor law; and also to amend the Constitution so as to grant license under proper restrictions.

Also, from G. Leak, and 25 others, to the same effect.

Referred to the committee on the evils resulting from the sale of intoxicating liquors.

Mr. Morrow presented the petition of John Gillespie and 76 others, residents of Green township, Monroe county, praying the enactment of a law to authorize them to levy a tax to complete contract on school house in district No. 5, in said township.

Referred to the standing committee on Common Schools.

Mr. Morrow presented the petition of Elia Headly, resident of Monroe county, praying for the passage of a law to compel naturalized citizens to furnish to clerks of townships memorandum of their certificate of naturalization.

Referred to the standing committee on the Judiciary.

Mr. Langdon presented the petition of C. Halenshad, and 142 others, of Hamilton county, praying for the school law to be so amended, that all moneys raised for common schools, shall be expended for the benefit of schools within the counties respectively wherein the same has been raised; which was read at the clerk's desk, and referred to the standing committee on Schools and School Lands.

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Mr. Hatch presented the memorial of numerous German citizens of Hamilton county, asking that measures be adopted to enable the people to vote on such change of the Constitution as will make it necessary to have license for the sale of intoxicating or spirituous liquors.

Referred to the standing committee on Temperance.

Mr. Winans presented the petition of J. F. Patton and fifty others, residents of Greene county, praying that the school law be so amended, as to require each county to support its own schools.

Referred to the standing committee on Schools and School Lands.

Mr. Perrill presented the petition of W. E. Deleplane and 149 others citizens of Pickaway county, asking for an amendment to the school law, which was read at the clerk's desk, and referred to the standing committee on Schools, and School Lands.

Mr. Buckland presented the petition of the Ripley & Hillsborough Turnpike Company, of Brown county, praying for power to erect a toll gate within the village of Riply, in said county.

Peferred to a select committtee of one—Mr. Buckland.

Also the memorial of the Mayor and town council, of the village of Riply, upon the same subject.

Referred to the same committee.

The following bills were severally read the second time, committed to a committee of the whole Senate and made the order of the day for this day.

H. B. No. 368; To amend the 186 section of the code of civil procedure, before justices of the peace.

H. B. No. 353; To amend the 88 section of an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money, passed April 13, 1852.

H. B. No. 354; to amend section 415 of the code of civil procedure.

H. B. No. 356; To authorize the making of real estate indexes, and further to prescribe the duties of county commissioners and recorders in certain cases.

S. B. No. 225; To amend an act to provide for the execution of deeds for land sold by the State of Ohio, and for other purposes, passed April 16, 1857, was read the second time, and

Referred to the standing committee on the Judiciary.

S. B. No. 67; To repeal an act therein named,

Was read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were demanded, and being ordered, resulted—yeas 19, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Corwine, Hatch, Kincaid, Langdon, McKelley, Morrow, Murdock, Perkey, Phelps, Reid, Shideler, Schleich, Smith, Thomas, Vanatta, Westcott and Winans—19.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Gard, Gatch, Green, Henkle, Holloway, McCleary, Miles and Taylor—12.

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So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Cadwell from a select committee, reported back

S. B. No. 213; To authorize the election of one additional judge of the court of common pleas, in the third sub-division of the ninth judicial district.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were demanded, and being ordered, resulted—yeas 28, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McKelly, Miles, Murdock, Perkey, Phelps, Reid, Shideler, Schleich, Smith, Taylor Thomas, Vanatta, Westcott and Winans—28.

Mr. Morrow voted in the negative.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Buckland, from a select committee, to whom was referred certain petitions from the county of Brown, reported by bill—

S. B. No. 230; To authorize the Ripley & Hillsborough Turnpike Company to erect a toll gate, and to collect tolls on the same, within the corporate limits of the incorporated village of Ripley in the county of Brown;

Which was read the first time.

Mr. Cantwell, from the same committee, reported back

S. B. No. 280; To authorize the town council of the town of Ashland, to borrow money to pay indebtedness on the town hall of said town; with an amendment, striking out all after the enacting clause, and inserting a new bill;

Which was agreed to.

Mr. Langdon moved further to amend by striking out the words "eight per cent.," in said bill, and inserting "six per cent.;" on which amendment

The yeas and nays were demanded, and being ordered resulted—yeas 7, nays 24, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Langdon, Reid, Taylor and Westcott—7.

Those who voted in the negative were—

Messrs. Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Holloway, Kincaid McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Shideler, Schleich, Smith, Thomas, Vanatta and Winans—24.

So said amendment was disagreed to.

Said bill was then ordered to be read the third time now.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

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The yeas and nays were ordered, and resulted—yeas 29, nays 2 as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Kincaid, Langdon, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—29.

Those who voted in the negative were—

Messrs. Canfield and Holloway—2.

So said bill having received a constitutional majority, was passed.

Mr. Cantwell moved to amend the title so that it will read "to authorize the incorporated village of Ashland to borrow money for purposes therein named; which was agreed to.

The title of the bill, as amended, was then agreed to.

Mr. Schleich moved that the select committee, to which was referred

H. B. No. 74; To provide for holding additional terms of the court of common pleas of Miami county, to be held at the city of Piqua, for the trial of certain cases therein provided, have further time until next Wednesday to report back said bill.

On which motion, the yeas and nays were ordered, and resulted—yeas 21, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Canfield, Cantwell, Corwine, Hatch, Holloway, Kincaid, McCleary, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—21.

Those who voted in the negative were—

Messrs. Cadwell, Cass, Gard, Gatch, Henkle, Langdon, McKelly, Miles and Morrow—9.

So said motion prevailed.

Message from the House of Representatives.

Mr. President:

The House requests the return of

H. B. No. 354; To amend section 415 of the code of civil procedure.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Winans,

The committee of the Whole was discharged from the further consideration of said bill and the Senate acceeded to the request of the House for the return of said bill.

Mr. Kincaid, from the standing committee on Public Benevolent Institutions, reported back

H. B. No. 365; Making a partial appropriation to meet the current expenses of the Northern Ohio Lunatic Asylum, for the year 1859, and recommended its passage.

The question then being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then ordered to be read the third time now.

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Said bill was then read the third time.

Mr. Langdon moved that the vote by which said bill was ordered to be read the third time, be reconsidered.

Which was agreed to.

On motion of Mr. Phelps,

Said bill was referred to the standing committee on Finance.

Mr. Ashmun, from the standing committee on Public Printing, to whom was referred the resolution requesting said committee to "ascertain and report to the Senate the reasons why the report of the Commissioners of the State Library for 1858, has not been printed," beg leave to report that they have made such inquiry and herewith transmit the statement of the State Printer, as containing all the information they possess upon the subject.

G. P. ASHMUN,
CHAS. THOMAS.

COLUMBUS, February 2d, 1859.

To Messrs. Safford, Thomas and Ashmun, Sen. Com. on Printing:

GENTS:—In reply to the "resolution" offered in the Senate this afternoon, asking "why the printing of the Library was delayed," I would respectfully state, that when I received said report to print, *I was ready to do it*, but as Mr. Coggeshall wished extra copies ordered, it was handed back. Since that time I have heard nothing from him until last Saturday, January 29th, when the report was sent to me—having been taken away to re-write portions of it. The law requires that when these reports are printed, they shall also be put in the executive documents, and *paged consecutively*. The first vol. of said documents is being bound, and as we are now working on the detailed statement, a volume of 250 pages, rule and figure work, it will be impossible to have the Library Report finished before two weeks. It may not be improper to state that the detailed statement was received two weeks in advance of that of the Library.

Respectfully,
RICHARD NEVINS,
State Printer.

Mr. Hatch, on leave, introduced a bill,

S. B. No. 231; To amend sections 6 and 25 of an act entitled an act further to provide for the better regulation, receipt and disbursement of the public revenue, passed April 12, 1858;

Which was read the first time.

Mr. Phelps offered for adoption the following resolution, which was agreed to:

Resolved, That the Auditor of State be requested to communicate to the Senate the reasons why the report made to his office, by Mr. Claypoole, in March last, in regard to certain banks, has not been sent to this body.

Mr. Buckland offered for adoption the following resolution:

Resolved, That the acting commissioner of the board of public works for division No. 1 of the public works, be requested to inform the Senate by virtue of what law or authority they appointed James G. Haley, an engineer to guage surplus water, at a salary of fifteen hundred dollars per annum; how much time the said Haley has actually spent in performing the duties of that office, and upon what part of the public works.

Referred to the standing committee on Public Works.

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On motion of Mr. Winans,

The Senate took a recess.

THREE O'CLOCK P. M.

Mr. Perkey, on leave, introduced the memorial of Wm. Childs, asking pay for storage of public arms.

Referred to the committee on Claims.

Mr. Taylor offered the following resolution, which was agreed to:

Resolved by the General Assembly of the State of Ohio, That the annual report of the Commissioner of Statistics be printed and bound in the volume of executive documents.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 316; To authorize the trustees of Jackson township, in Muskingum county, to sell a certain lot in the town of Frazeesburg.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Mr. Taylor, on leave, introduced a bill:

S. B. No. 232; Supplementary to an act entitled "an act for the regulation of the Public Works of the State of Ohio," passed April 12, 1858; which was read the first time.

Mr. Cass, on leave, introduced a bill:

S. B. No. 232; Supplementary to the act entitled "an act to establish the Independent Treasury of the State of Ohio," and "an act to further provide for the better regulation of the receipt, disbursement and safe-keeping of the public revenue;" which was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 362; To authorize the commissioners of Coshocton county to borrow money to supply the deficiency in the treasury of said county.

H. B. No. 312; Requiring the probate judge of Noble county to make certain records, entries, and indexes, in the books of his office.

Attest: JOHN W. KEES, Clerk.

Said bills were severally read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

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H. B. No. 333; Amending the 12th section of the act to provide for laying out and establishing free turnpike roads, passed March 12, 1845.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 57; Relative to printing the report of the commissioner of statistics.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has concurred in Senate amendments to

H. B. No. 280: To authorize the town council of the town of Ashland to borrow money to pay indebtedness on the town hall of said town.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 155; Supplementary to an act providing for the punishment of crimes, passed March 7, 1835.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 56; Relative to appointment of committee to visit the Charity School of Kendall, Stark county;

With one amendment—fill the blank with three;

And has appointed Messrs. Chase, Ambler and Slusser, said committee on the part of the House.

Attest: JOHN W. KEES, Clerk.

House amendment to said Senate resolution was agreed to.

Mr. Cadwell presented the petition of Silas Weed, and 63 other citizens of Lake county, asking for the repeal of the ten per cent. law.

Also, the petition of Jerome Palmer, and 80 other citizens of Lake county, asking for the repeal of the ten per cent. law.

Which petitions were laid on the table.

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On motion of Mr. Schleich,

S. J. R. No. 53; Relative to bank taxation, was taken from the table.

The question then being on agreeing to said resolution,

On motion of Mr. Schleich,

Said resolution was referred to a select committee of one—Mr. Schleich.

The President of the Senate laid before the Senate a message from the Auditor of State, relative to the report of Mr. Claypoole, concerning the condition of banks.

On motion of Mr. Phelps,

Said report was laid on the table and ordered to be printed.

On motion of Mr. Ashmun,

The Senate resolved itself into a committee of the whole, on the orders of the day, Mr. Phelps in the chair, and after some time spent therein, rose and reported back sundry bills without amendment, which were disposed of as follows:

H. B. No. 356; To authorize the making of real estate indexes, and further to prescribe the duties of county commissioners and recorders in certain counties.

Referred to a select committee of three—Messrs. Langdon, Thomas and Hatch.

H. B. No. 353; To amend the 38th section of an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money, passed April 13th, 1852.

Referred to a select committee appointed on the revision of the tax laws.

H. B. No. 368; To amend the 186th section of the code of civil procedure, before justices of the peace, (Swan's Statute, p. 527).

Referred to the standing committee on the Judiciary.

Message from the House of Representatives.

Mr. President:

The House has passed

H. J. R. No. 75; Relative to revising amendatory acts passed since the adoption of the constitution;

And requests the concurrence of the Senate in the same.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Phelps,

Said resolution was referred to the standing committee on the Judiciary.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills and joint resolutions, and the same are now ready for the signature of the President of the Senate:

S. B. No. 192; Prescribing the time when the official term of judges of the courts of common pleas shall begin.

S. B. No. 119; An act to enable associations for gymnastic purposes to become bodies corporate.

S. J. R. No. 51; Relative to constructing embankments on Hocking Canal.

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H. J. R. No. 64; Relative to authorizing John H. Klippart to publish his essay on wheat.

S. J. R. No. 49; Relative to money of John Philips, a deceased convict.

H. B. No. 339; An act to authorize the trustees of Crane township, in Wyandotte county, to borrow money and levy a tax for certain purposes.

H. B. No. 327; To authorize the commissioners of Hamilton county to appropriate an additional sum to aid in the construction of a bridge across White Water River, near the village of Harrison.

H. B. No. 237; To amend section one of an act entitled an act to regulate enclosures, and to provide against trespassing animals, passed January 17, 1840.

Attest: JOHN W. KEES, Clerk.

The President of the Senate then proceeded to sign the foregoing bills and resolutions, in the presence of the Senate, in accordance with the requirements of the constitution.

The President of the Senate laid before the Senate the report of the warden and directors of the Ohio Penitentiary in reply to the Senate resolution, calling for information relative to improvements necessary to the Penitentiary.

On motion of Mr. Phelps,

Said resolution was laid on the table and ordered to be printed.

On motion of Mr. Winans,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

FRIDAY, February 4, 1859.

Prayer by the Rev. L. Taft.

Mr. Hatch presented the petition of 100 citizens, tax payers of Hamilton county, praying that the school law be so amended as to provide that the money raised by the school tax in each county, may be expended in such county, and not be taken for the support of schools in other parts of the State.

Mr. Thomas presented the petition of Wm. T. Perkins and 59 others, praying for such an alteration of the school laws, as to retain in each county the revenue raised by it for that purpose.

Severally referred to the standing committee on Common Schools.

The following bills were read the second time, committed to committee of the whole Senate, and made the order of the day for this day:

S. B. No. 227; To authorize the adoption of children.

H. B. No. 312; Requiring the probate judge of Noble county, to make certain records, entries, and indexes in the books of his office.

H. B. No. 362; To authorize the commissioners of Coshocton county to borrow money to supply the deficiency in the treasury of said county.

H. B. No. 155; Supplementary to an act providing for the punishment of crimes, passed March 7, 1835.

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H. B. No. 333; Amendatory of the twelfth section of the act to provide for laying out and establishing free turnpike roads, passed March 12, 1845.

H. B. No. 316; To authorize the trustees of Jackson township, in Muskingum county, to sell a certain lot in the town of Frazeesburg; was read the second time, and referred to a select committee of one—Mr. Vanatta.

Mr. Cadwell, on leave, introduced a bill:

S. B. No. 234; Providing for the vacation of certain roads; which was read the first time.

Mr. Taylor, on leave, introduced a bill:

S. B. No. 235; Further to provide for the care and distribution of the public arms; which was read the first time.

Mr. Westcott, from the standing committee on Claims, reported back

H. B. No. 313; To provide for the payment of the claim of David C. Doan; and said bill was ordered to be read the third time, now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

Mr. McCleary moved that said bill be recommitted to the committee on Claims, with instructions to strike out of said bill the sum of $635 29, and insert the amount of the original purchase money, with interest; which motion, after debate, was withdrawn.

Mr. Winans moved that the vote by which said bill was ordered to its third reading, be reconsidered; which was agreed to.

On motion of Mr. Winans,

Said bill was committed to the standing committee on the Judiciary.

Mr. Langdon, from the standing committee on State Buildings, reported back

S. J. R. No. 16; "Relative to contracting with Jas. H. Beard, for a picture," with one amendment; which was agreed to.

The question then being on agreeing to said resolution,

Mr. Cadwell moved to recommit the resolution to the committee on Public Buildings, with instructions to so amend it, as to substitute the picture proposed to be painted by Mr. Reinhart, instead of that of Mr. Beard.

Mr. McKelly moved that said resolution and the pending amendment to recommit, be laid on the table; which was lost.

The question then recurring on the motion to recommit, with instructions, after debate,

On motion of Mr. Slade,

The Senate took a recess.

THREE O'CLOCK P. M.

The question being on the motion to re-commit

S. J. R. No. 16; Relative to contracting with James H. Beard for a picture, to the standing committee on State Buildings, with instructions,

Mr. Langdon demanded a division of the question, and the same turning upon the recommitment,

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The yeas and nays were demanded and being ordered, resulted, yeas 14, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Corwine, Gatch, Green, Holloway, McKelly, Murdock, Schleich, Taylor and Westcott—14.

Those who voted in the negative were—

Messrs. Gard, Hatch, Henkle, Kincaid, Langdon, McCleary, Morrow Perrill, Phelps, Reid, Shideler, Slade, Smith, Thomas Vanatta and Winans—16.

So the Senate refused to recommit said resolution.

Mr. Slade then moved that said resolution be indefinitely postponed.

Mr. Langdon moved to lay said resolution on the table, which motion taking precedence,

The yeas and nays were demanded, and being ordered, resulted—yeas 15, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Green, Hatch, Henkle, Kincaid, Langdon, McKelly, Miles, Morrow, Murdock, Perrill, Smith Taylor, Thomas and Winans—15.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Corwine, Gard, Gatch, Holloway, McCleary, Perkey, Phelps, Reid, Shideler, Schleich, Slade, Vanatta and Westcott—17.

So the Senate refused to lay said resolution on the table.

The question then recurring on the indefinite postponement of said resolution,

The yeas and nays were demanded, and being ordered, resulted—yeas 20, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Corwine, Gard, Gatch, Holloway, Kincaid, McKelly, Miles, Murdock, Perkey, Phelps, Reid, Shideler, Schleich, Slade, Vanatta and Westcott—20.

Those who voted in the negative were—

Messrs. Cass, Green, Hatch, Henkle, Langdon, McCleary, Morrow, Perrill, Smith, Taylor, Thomas and Winans—12.

So said resolution was indefinitely postponed.

Mr. Langdon from the standing committee on State Buildings made the following report:

The standing committee on State Buildings, to which was referred the memorial and claim of B. T. Dale & Son, have had the same under consideration and herewith report it back, and ask to be discharged from the further consideration of the subject. The committee also recommend the adoption of the following resolution, to wit:

Whereas, It appears that B. T. Dale & Son have a just and rightful claim against the State of Ohio, for the execution of certain plain and ornamental plastering according to contract, entered into between them and the State House Commissioners, on the tenth day of May, 1855. And whereas, said work has been measured and its value estimated by Messrs. Ridgeway and Moore at one time, and portions of

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the same work by George Warren at another time, all of them sworn measurers and reputed just and skillful men in their profession, the same being that of measurers. And whereas, discrepancies exist between the measurements and estimates of George Warren for the portions measured by him and the measurements and estimates made by Ridgeway and Moore for some portions, which discrepancies make a difference in the aggregate result of several hundreds of dollars, and are of a character indicating that some mistake was made by one or the other measurer, therefore,

Be it resolved by the General Assembly of the State of Ohio, That the commissioners of the State House are hereby directed to obtain the services of Messrs. J. N. Ridgeway and George Warren, who shall forthwith proceed to make such comparisons and re-measurements, under the direction of the State House Commissioners, as may be necessary to determine truly and accurately the amount due B. T. Dale & Son, under the provisions of their contract; which amount, when so ascertained, the said State House Commissioners are directed to pay to the said B. T. Dale & Son forthwith, under the provisions of the aforementioned contract. But the amount so paid shall in no case exceed the sum of $9,154 18, with six per cent. interest from the time when the same became due.

E. BASSETT LANGDON,
LAUREN SMITH,
A. L. PERRILL,
J. C. McCLEARY.

The question then being on agreeing to the resolution reported by said committee, the same was decided in the affirmative.

The preamble to said resolution was then agreed to.

Mr. Langdon, from the standing committee on State Buildings, reported back

H. J. R. No. 50; Relative to finishing stairs in State House, with amendments;

Which was agreed to.

Said resolution, as amended, was then agreed to.

Mr. Phelps, from the standing committee on the Judiciary, reported back

H. B. No. 295; To amend the act entitled an act to fix the salaries of judges in certain cases, with an amendment;

Which was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time,

And the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 20, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Gatch, Hatch, Langdon, McCleary, McKelley, Miles, Murdock, Perkey, Perrill, Phelps, Slade, Taylor, Thomas and Vanatta—20.

Mr. Morrow voted in the negative.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

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The President of the Senate laid before the Senate the report of the select committee on the subject of the Lewistown Reservoir.

On motion of Mr. Taylor,

Said report was laid on the table and ordered to be printed.

Mr. Taylor offered for adoption the following resolution, which was agreed to:

Resolved, That the Auditor of State be requested to communicate to the Senate a statement of the several sums set off to the State in lieu of taxes, for the year 1858, by the several banking companies organized under the act of February 24, 1845.

Also, by the same gentleman, the following resolution was offered, which, on motion of Mr. Phelps, was laid on the table and ordered to be printed:

WHEREAS, By section 10 of article 1, of the Constitution of the United States, it is provided that "no State shall pass any law impairing the obligation of contracts," and

WHEREAS, By section 2 of article 3, of said Constitution, it is further provided, that the judicial power of the United States shall extend to all cases in law and equity, arising under said constitution; and by law the ultimate decision of such questions is vested in the supreme court of the United States, and

WHEREAS, By the 60th section of the act to incorporate the State Bank of Ohio, and other banking companies, passed February 24th, 1845, each banking company organized under said act, is required semi-annually, to set off to the State a certain portion of the profits of such bank, and by the same section of said act, it is declared that the sum or amount so set off shall be in lieu of all taxes to which such company, or the stockholders thereof, on account of stock owned therein, would otherwise be subject; and

WHEREAS, The supreme court of the United States have on two several occasions, held and adjudged that the provisions of the said 60th section of said act constitute and are a contract between the State of Ohio and the several companies organized under said act and binding upon both parties; and that an act of the General Assembly of this State, levying taxes upon said companies, violates the provisions of said act, impairs the obligation of said contract, and is in contravention of the first named provisions of the constitution of the United States, and therefore void; therefore

Resolved by the General Assembly of the State of Ohio, That by the express provisions of the Federal Constitution which is the supreme law of the States, authority is vested in the courts of the United States, to determine whether a law passed by a State "impairs the obligation of contracts," and upon finding a law to have such character to restrain the execution thereof.

Resolved, That the supreme court of the United States, having, in the exercise of their judicial authority, on two several occasions, adjudged that the provisions of the said 60th section of the act of 1845, constitute a contract between the State and the companies organized under said act, and that laws of the State levying taxes upon such companies, impair the obligations of said contract and are therefore void, a due regard for the interests of the people of the State, and a proper adherence to the constitution of the United States, require the authorities of this State to yield to said decisions; therefore, be it further

Resolved, That the Auditor of State be and he is hereby authorized and directed, to draw upon the several banks organized under said act, for the sums that have been set off by them, respectively, for the use of the State, agreeably to the provisions of the said 60th section.

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The President announced Messrs. Chapman and Ashmun, the members on the part of the Senate, of the joint select committee to investigate the affairs of the chartiy school in Stark county.

The President of the Senate laid the following communication before the Senate:

AUDITOR OF STATE'S OFFICE,
Columbus, February 4, 1859.

HON. M. WELKER, *President of the Senate:*

On yesterday, in answer to a resolution of the body over which you preside, I communicated certain papers purporting to be a duplicate copy of an original report in regard to the condition of certain banks, made to this department by Mr. Claypool.

I stated that the original papers had mysteriously disappeared from file. This morning they were found on file; and the only mystery now attending them, is, that we should have so long overlooked them.

I herewith hand the original papers.

Respectfully yours,

F. M. WRIGHT, *Auditor.*

On motion of Mr. Phelps,

The vote by which the duplicate of Mr. Claypool's report was ordered to be printed, was reconsidered, and the original report ordered to be printed in its stead.

Mr. Phelps introduced a bill:

S. B. No. 236; Supplementary to the act entitled an act to incorporate the State Bank of Ohio, and other Banking Companies, passed February 24, 1845; which was read the first time.

Mr. McKelly offered for adoption the following resolutions, which were laid on the table, and ordered to be printed:

Resolved, by the General Assembly of the State of Ohio,—three-fifths of the members of each house concurring therein,—That it be, and hereby is, proposed to the electors of this State, to vote at the next annual State election, upon the approval or rejection of the following amendment, as a substitute for the first, second, fifth, sixth and eleventh sections of the fourth article of the Constitution of this State, to wit:

ARTICLE IV.

THE JUDICIARY.

SECTION 1. The judicial power of the State shall be vested in the Supreme Court of the State, in a Superior Court for each county, Courts of Common Pleas, Probate Courts, Justices of the Peace, and in such other courts inferior to the Supreme Court and the Superior Courts of the counties, as the General Assembly may, from time to time, establish.

SEC. 2. The Supreme Court of the State shall consist of seven judges; a majority of whom shall be necessary to constitute a quorum, or to pronounce a decision. It shall have original jurisdiction in quo-warranto, mandamus, habeas corpus, and procedendo and such appellate jurisdiction as may be provided by law. It shall hold, at least, one term every year, at the seat of government, and such other terms at the seat of government, or elsewhere, as may be provided by law.

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Judges of the Supreme Court shall be elected as follows: The State shall be divided into seven districts, each of compact territory, and bounded by county lines; and one of the judges of the Supreme Court shall be elected by the electors of each of such districts.

SEC. 3. The Superior Court of each county shall be composed of the judges of the Supreme Court, any two of whom shall constitute a quorum, and be competent to dispose of the business of the court; and it shall be held in each county of the State, at least once in every year. And the General Assembly may, by law, authorize the judges of the Supreme Court, or a majority of them, to fix the time for holding the terms of the Superior Court for each county.

SEC. 4. The Superior Court of each county shall have original jurisdiction in quo-warranto, mandamus, habeas corpus, and procedendo, and the trial of indictments for murder, when the accused shall, before plea, elect to be tried therein; and such appellate jurisdiction as may be provided by law.

SEC. 5. The judges of the Court of Common Pleas, hereafter elected, shall be elected by the electors of the several counties composing the Common Pleas district to which they respectively belong.

SEC. 6. The supreme court hereby constituted shall be the successor of the present supreme court, in all its powers and duties; and all cases pending shall be proceeded in as though no change had been made in the court. And the superior court for each county shall be, in like manner, the successor of the district court of such county; and all cases pending in the district court shall be proceeded in by the superior court as if no change had been made in the district court.

SEC. 7. This amendment shall supercede and take the place of sections 1, 2, 5, 6 and 11 of the fourth article of the constitution of the State; and it shall take effect on the first Monday of April, 1860, on which day the first election of judges of the supreme court herein provided for shall take place pursuant hereto, and under such regulations as the General Assembly shall prescribe. And the term of office of the judges of the supreme court first elected as herein provided, shall commence on the first day of May, 1860, until which time the judges of the supreme court provided for in the present constitution, shall continue in the full exercise of their powers and duties.

SEC. 8. The districts for the election of the judges of the supreme court, shall be as follows:

The counties of Hamilton, Butler and Clermont shall constitute the first district.

The counties of Preble, Darke, Montgomery, Miami, Champaign, Warren, Greene, Clinton, Clarke, Madison, Logan, Union and Fayette, the second district.

The counties of Adams, Brown, Highland, Ross, Pickaway, Pike, Scioto, Fairfield, Hocking, Vinton, Jackson, Perry, Muskingum, Gallia and Lawrence, the third district.

The counties of Guernsey, Noble, Morgan, Washington, Athens, Meigs, Monroe, Belmont, Jefferson, Harrison, Tuscarawas, Carroll and Stark, the fourth district.

The counties of Columbiana, Mahoning, Trumbull, Ashtabula, Portage, Geauga, Lake, Summit, Medina, Cuyahoga, Lorain, Huron and Erie, the fifth district.

The counties of Coshocton, Holmes, Wayne, Ashland, Richland, Knox, Licking, Morrow, Crawford, Marion, Delaware and Franklin, the sixth district, and

The counties of Lucas, Wood, Sandusky, Ottowa, Hancock, Allen, Putnam, Van Wert, Auglaize, Shelby, Mercer, Paulding, Defiance, Williams, Fulton, Henry, Hardin, Seneca and Wyandot, the seventh district.

SEC. 9. The judges of the supreme court, shall, immediately after the first election under this amendment, be classified by lot, so that two shall hold for the

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term of one year, one for two years, two for three years, one for four years and one for five years, and for judge of the supreme court all subsequent elections, shall be held on the first Monday of April, annually, and the term of each of said judges shall be for five years.

On motion of Mr. Langdon,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

SATURDAY, February 5, 1859.

Prayer by the Rev. L. Taft.

Mr. McKelly presented the petition of sundry citizens of the city of Mount Vernon, asking a repeal of the charter of said city.

Referred to the standing committee on Municipal Corporations.

Mr. Cadwell presented the petition of Monroe Cornwell and 53 others, citizens of Ashtabula county, asking for the passage of a law to prevent the delivering up of persons held to servive by the laws of other States.

Referred to the standing committee on Federal Relations.

Also the petition of Wm. Penfield and 70 other citizens of Lake county, on the subject of woman's rights.

Referred to the select committee on that subject.

Mr. Cantwell presented the petition of John Uhler and A. A. Chew, and 39 others, residents of Richland county, praying for the repeal of so much of the school law as refers to the school library.

Referred to the committee on Common Schools and School Lands.

Mr. Phelps presented the petition of J. C. Le Blond and others, for authority to the Board of Education of Jefferson township, Mercer county, to borrow money for school purposes.

Referred to a select committee of one—Mr. Phelps.

S. B. No. 226; Providing for juries in the trial of offences before justices of the peace in certain cases, was read a second time, committed to a committee of the whole Senate, and made the order of the day for this day.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 59; Relative to binding report of Commissioner of Statistics with Executive Documents.

Attest: JOHN W. KERR, Clerk.

Message from the House of Representatives.

Mr. President:

The following enrolled bills and joint resolution have been signed, by the Speaker of the House of Representatives, and the same are now ready for the signature of the President of the Senate.

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H. B. No. 270; To amend the second section of an act passed April 12, 1858, entitled an act to amend an act entitled an act providing for the election of coroners and sheriffs, and fixing their term of office, passed March 8, 1854.

H. B. No. 273; Requiring township assessors to ascertain the number of sheep killed and injured by dogs.

H. B. No. 314; To provide for platting and recording fractions of land.

H. B. No. 309; To authorize the city of Dayton to issue bonds to meet an indebtedness heretofore authorized by the General Assembly of Ohio.

H. B. No. 280; To authorize the incorporated village of Ashland to borrow money for purposes therein named.

H. J. R. No. 28; Relative to securing uniformity in election returns made to the Secretary of State and President of the Senate.

S. B. No. 210; To provide for canvassing the votes for Comptroller of the Treasury.

S. B. No. 48; To amend the 138th section of an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts, passed March 14, 1853.

Attest: JOHN W. KERR, Clerk.

The President of the Senate, in presence of the Senate, then signed the foregoing enrolled bills and resolutions, as required by the constitution.

Mr. Phelps, from the standing committee on the Judiciary, reported back

H. J. R. No. 75; Relative to revising amendatory acts passed since the adoption of the constitution, and recommended its indefinite postponement; which was agreed to.

Also, from the same committee,

S. J. R. No. 45; Relative to the admission of Mrs. Jane Ross to the Central Ohio Lunatic Asylum, and asked to be discharged from the further consideration of the subject; which was agreed to.

Also, from the same committee,

H. B. No. 338; To prohibit watchmen and police officers from claiming witness fees in certain cases, and recommended its passage.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted, yeas 20, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Gard, Gatch, Hatch, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Taylor, Thomas, and Vanatta—20.

Mr. Slade voted in the negative.

So, said bill having received a constitutional majority, was passed.

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Ordered that the title be as aforesaid.

Mr. Phelps, from the same committee, reported back

H. B. No. 368; To amend the 186th section of the code of civil procedure before justices of the peace, with one amendment; which was agreed to.

The question then being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Gard, Gatch, Hatch, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Slade, Taylor, Thomas and Vanatta—20.

So said bill having received a constitutional majority, was passed.

Mr. Cadwell moved to amend the title so that it would read as follows:

"An act to amend the one hundred and eighty-sixth section of an act entitled 'an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts,' passed March 14th, 1853;" which was agreed to.

The title of the bill, as amended, was then agreed to.

Mr. Phelps, from the Judiciary committee, reported back

S. B. No. 225; To amend an act to provide for the execution of deeds for land sold by the State of Ohio, and for other purposes, passed April 16, 1857; with one amendment;

Which was agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read the third time now.

Said bill was then read the third time,

And the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Gard, Gatch, Hatch, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Slade, Taylor, Thomas and Vanatta—21.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Langdon, from the standing committee on State Buildings, made the following report:

The standing committee on State Buildings have had under consideration Senate Joint Resolution authorizing the commissioners of the State House to contract

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with B. F. Reinhart for a painting descriptive of the repulse of the British forces before Fort Stephenson, and herewith report the same back, recommending that the further consideration of the subject be indefinitely postponed.

E. BASSETT LANGDON,
A. L. PERRILL,
J. C. McCLEARY.

The question then being on the indefinite postponement of the above resolution,

The yeas and nays were demanded, and being ordered, resulted—yeas 20, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Cass, Gard, Gatch, Hatch, Langdon, McCleary, McKelley, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Slade, Taylor, Thomas and Vanatta—20.

Mr. Cadwell voted in the negative.

So said resolution was indefinitely postponed.

Mr. Phelps, from the Judiciary committee, reported back

H. B. No. 268; An act supplementary to an act fixing the fees of sheriffs and constables; with one amendment;

Which was agreed to.

The question being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass."

On motion, the vote by which said bill was ordered to be read the third time, was reconsidered.

On motion, said bill was re-committed to the standing committee on the Judiciary.

Mr. Langdon, from the select committee, reported back

H. B. No. 356; To authorize the making of real estate indexes, and further to prescribe the duties of county commissioners and recorders in certain counties; and recommended its passage.

The question then being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then ordered to be read the third time now.

Said bill was then read the third time,

And the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted, yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Gard, Gatch, Hatch, Langdon, McCleary, McKelley, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Slade, Taylor and Thomas—20.

So said bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

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Mr. Cadwell offered for adoption the following resolution, which was agreed to:

Resolved, That the report of the board consisting of the Auditor, Secretary of State and Attorney General, upon the subject of the Lewistown Reservoir, be printed in the Appendix to the Senate Journal.

Mr. Phelps offered for adoption the following resolution, which was agreed to:

Resolved, That an allowance be made for two days services to the Reporting Clerk of the Senate, for the first and second days of this session.

Mr. Ashmun asked and obtained leave of absence for Mr. Chapman and himself for Monday and Tuesday of next week.

On motion of Mr. Miles,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

MONDAY, FEBRUARY 7, 1859.

Prayer by the Rev. William Porter.

On motion, a call of the Senate was had, and 17 Senators answered to their names.

The sergeant-at-arms was dispatched after the absentees. Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

Mr. Slade presented the petition of the officers and members of the Cleveland Academy of Natural Sciences, praying the Legislature to pass the bill introduced by Mr. Canfield, providing for a geological survey of the State of Ohio.

Laid on the table.

Mr. Westcott presented the petition of David Segur, and 45 others, residents of Lucas county praying that the law be so amended, that supervisors be elected by the votes of electors residing in their own road districts, and none other.

Referred to the standing committee on Roads and Highways.

The President laid before the Senate the Report of the Auditor of State, showing the amount paid in lieu of taxes, by the Banks of Ohio, which,

On motion, was laid on the table, and ordered to be printed.

Mr. Thomas offered for adoption the following resolution, which was agreed to:

Resolved, That the committee on the Judiciary be, and they are hereby instructed to report a bill for the modification of the laws on forfeited lands for taxes, if in their judgment such modification should be made.

On motion of Mr. Langdon,

The Senate resolved itself into a committee of the whole on the orders of the day, Mr. Perrill in the chair, and after some time spent therein, rose and reported back the following bills:

H. B. No. 312; Requiring the probate judge of Noble county to make certain records, entries and indexes in the books of his office.

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Referred to the standing committee on the Judiciary.

H. B. No. 362; To authorize the commissioners of Coshocton county, to borrow money to supply the deficiency in the Treasury of said county.

Referred to a select committee of one—Mr. Cass.

H. B. No. 155; Supplementary to an act providing for the punishment of crimes, passed March 7, 1835.

Referred to the standing committee on the Judiciary.

S. B. No. 227; To authorize the adoption of children.

Referred to the standing committee on the Judiciary.

S. B. No. 226; Providing for juries in the trial of offenses before justices of the peace in certain cases.

Referred to the standing committee on the Judiciary.

On motion of Mr. Phelps,

She Senate took a recess.

THREE O'CLOCK P. M.

Mr. Canfield moved to take from the table

S. B. No. 148; To further define the duties of married women, with the pending amendments;

Which was agreed to.

On motion of Mr. Canfield,

Said bill, with the pending amendments, was committed to a committee of the whole Senate, and made the order of the day for this day.

On motion of Mr. Miles,

The Senate resolved itself into a committee of the whole, on the orders of the day, Mr. Gatch in the chair, and after some time spent therein, rose and reported back the following bills, and they were severally disposed of as follows:

S. B. No. 224; Supplementary to an act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

Referred to the standing committee on Agriculture.

S. B. No. 148; To further define the rights of married women, with one amendment.

On motion of Mr. Smith,

Said bill, with the pending amendment, was recommitted to the committee of the whole Senate.

On motion of Mr. Canfield,

The Senate adjourned.

Attest: G. W. BLAIR, Clerk.

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TUESDAY, FEBRUARY 8, 1859.

Prayer by the Rev. Mr. Porter.

Mr. Schleich presented the petition of the entire medical faculty of the city of Lancaster, against the repeal of the law requiring the registration of births, marriages and deaths; which was read at the clerk's desk, and

Referred to the standing committee on the Judiciary.

Mr. Winans presented the petition of Patrick Herron and 8 others, resident shoemakers of Yellow Springs, Greene county, praying that the directors of the Penitentiary be restrained from employing convict labor in manufacturing boots and shoes.

Referred to the standing committee on the Penitentiary.

Mr. Winans presented the memorial of the treasurer of Fayette county, relative to the fees of county treasurers, which was read at the clerk's desk, and

Referred to the select committee on the revision of the tax law.

S. B. No. 228; To amend an act entitled an act "to organize and discipline the militia and volunteer militia," passed March 28, 1857,

Was read the second time, and referred to the standing committee on Militia.

S. B. No. 229; To amend an act in relation to the payment of costs to justices of the peace, constables and others, out of the county treasury,

Was read the second time, and referred to the standing committee on the Judiciary.

S. B. No. 230; To authorize the Ripley and Hillsboro Turnpike Company to erect a toll-gate and to collect tolls at the same, within the corporate limits of the incorporated village of Ripley, in the county of Brown,

Was read the second time, committed to a committee of the whole Senate, and made the order of the day for this day.

S. B. No. 231; To amend sections 6 and 25 of the act entitled "an act to further provide for the better regulation of the receipt, disbursement, and safe keeping of the public revenue," passed April 12, 1858,

Was read the second time, and referred to the select committee on the revision of the tax law.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

S. B. No. 232; Supplementary to an act entitled "an act for the regulation of the Public Works of the State of Ohio," passed April 12, 1858.

S. B. No. 233; Supplementary to the act entitled "an act to establish the independent treasury of the State of Ohio," and "an act to further provide for the better regulation of the receipt, disbursement and safe keeping of the public revenue."

S. B. No. 234; Providing for the vacating of roads dedicated by private persons to public use.

S. B. No. 235; Further to provide for the care and distribution of the public arms.

S. B. No. 236; Supplementary to the act entitled "an act to incorporrte the State Bank of Ohio, and other banking companies," passed Feb. 24, 1845.

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The President of the Senate laid before the Senate a communication from the Governor, by the hands of his private secretary, A. M. Gangewer, Esq.. containing the preamble and resolution of the State of Michigan, relative to the improvement of the St. Clair Flats.

On motion of Mr. Slade,

Said communication, with the accompanying resolutions, was laid on the table and ordered to be printed.

Mr. Thomas, from the standing committee on Municipal Corporations, reported back

S. B. No. 209; To amend an act passed April 12, 1854, entitled "an act to amend an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and supplementary and amendatory to an act to provide for the organization of cities and incorporated villages," passed March 11, 1853, and recommended its passage.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Canfield, Cantwell, Corwine, Gatch, Hatch, Henkle, Holloway, Kincaid, McCleary, McKelly, Miles, Morrow, Perrill, Phelps, Reid, Schleich, Slade, Thomas, Vanatta, Westcott and Winans—23.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Thomas, from the standing committee on Municipal Corporations, to whom was referred the petition of sundry citizens of Mount Vernon, in Knox county, praying for a repeal of the municipal corporation of Mount Vernon, reported the same back, and asked to be discharged from its further consideration, and recommend that it be referred to the standing committee on the Judiciary.

CHARLES THOMAS,
WM. SLADE, Jr.

Said petition was referred to a select committee of one—Mr. Miles.

Mr. Morrow, from the standing committee on Schools and School Lands, reported back

H. B. No. 305; To autherize the town council of the incorporated village of Kalida to levy taxes for the purpose of erecting suitable school houses.

Said bill was referred to a select committee of one—Mr. Westcott.

Mr. Phelps, from the standing committee on the Judiciary, reported back the petition of O. Hiveling and 118 others, of Greene county, for chain gangs to punish petit larceny, and asked to be discharged from the further consideration of the subject;

Which was agreed to.

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Mr. Phelps, from the same committee, reported back

H. B. No. 229; Supplementary to an act fixing the time of holding the courts of common pleas in the third judicial district, and recommended its indefinite postponement;

Which was agreed to.

Mr. Phelps from the same committee reported back the resolution relative to lands forfeited for taxes and asked to be discharged from the further consideration of the subject;

Which was agreed to.

Also from the same committee,

S. B. No. 179; Supplementary to an act entitled an act of the jurisdiction and procedure before justices of the peace and of the duties of constables in civil courts, passed March 14, 1853, with sundry amendments;

Which were agreed to.

The question then being, on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Canfield, Cantwell, Cass, Corwine, Gard, Gatch, Hatch, Henkle, Holloway, Langdon, McCleary, McKelly, Morrow, Perrill, Phelps, Reid, Schleich, Slade, Smith, Thomas, Vanatta, Westcott and Winans—25.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from the same committee, reported back

S. B. No. 180; To amend section 22 of an act passed March 7, 1851, entitled an act directing the mode of trial in criminal cases, with one amendment,

Which was agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were demanded, and being ordered, resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland. Cadwell, Canfield, Cantwell, Corwine, Gard, Gatch, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Perrill, Phelps, Reid, Schleich, Slade, Smith, Thomas, Vanatta, Westcott and Winans—26.

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So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Also from the same committee,

S. B. No. 208; To amend and supplementary to the several acts incorporating and regulating turnpike and plank road companies in this State, and the several acts amendatory thereof, and supplementary thereto.

Said bill was referred to the standing committee on Corporations other than Municipal.

Mr. Phelps, from the same committee, reported back

S. B. No. 219; To amend the 13th section of an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts, passed March 14, 1853, and recommended that said bill be laid on the table;

Which was agreed to.

Also, from the same committee,

S. B. No. 171; To improve evidence in certain cases.

Referred to a select committee of one—Mr. Canfield.

Also, from the same committee,

H. B. No. 124; Authorizing the examination of banking corporations, in certain cases.

Referred to the standing committee on the Currency.

Also, from the same committee,

H. B. No. 311; To amend the 304th section of the code of civil procedure.

The question then being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted, yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Canfield, Cantwell, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelley, Miles, Morrow, Perkey, Perrill, Phelps, Reid, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—29.

So, said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from the same committee, reported back

H. B. No. 268; An act supplementary to the act fixing the fees of sheriffs and constables, with sundry amendments; which were agreed to.

The question then being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then ordered to be read the third time, now.

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Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted yeas 26, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Cantwell, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, McCleary, McKelly, Miles, Morrow, Perkey, Perrill, Phelps, Reid, Schleich, Slade, Smith, Thomas, Vanatta, Westcott and Winans—26.

Those who voted in the negative were—

Messrs. Canfield and Taylor—2.

So, said bill having received a constitutional majority, was passed.

On motion, the title of the bill was amended so as to read as follows:

"An act supplementary to the several acts fixing the fees of sheriffs, coroners, and constables."

The title of the bill, as amended, was then agreed to.

Mr. Schleich, from the standing committee on Public Works, offered for adoption the following resolution, which was agreed to:

Resolved by the General Assembly of the State of Ohio, That the Board of Public Works be and they are hereby authorized and empowered to settle with Joseph Henold, of Athens county, for all damages done to the lands, crops and fences of said Henold, by the overflow of water occasioned by the State dam and other improvements connected with the public works of the State: Provided, however, that the damages so to be adjusted, shall not exceed five hundred dollars; and that said adjustment shall be in full of all claims of said Henold for damages to the date of such adjustment.

Mr. Vanatta, from a select committee, reported back

H. B. No. 316; To authorize the trustees of Jackson township, in Muskingum county, to sell a certain lot in the town of Frazeesburg.

Referred to the standing committee on Schools and School Lands.

Mr. Green, on leave, introduced a bill:

S. B. No. 237; To amend section 417 of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853; which was read the first time.

Mr. Taylor, on leave, presented the petition of Joseph Montgomery and 68 other citizens of Mahoning county, for a law prohibiting the sale of intoxicating liquors, and preventing the evils resulting from such sale.

Referred to the standing committee on Temperance.

Mr. Cadwell offered for adoption the following resolutions:

Resolved by the General Assembly of the State of Ohio, That our Senators in Congress are hereby instructed, and our Representatives are hereby requested, to vote against the bill now pending in the Senate of the United States, which provides for placing thirty millions of dollars at the disposal of the President, to enable him to negotiate for the acquisition of Cuba.

Resolved, That the Governor be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

Mr. Slade moved to lay said resolution on the table, to be printed.

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On which motion the yeas and nays were demanded, and being ordered, resulted yeas 15, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Canfield, Gard, Gatch, Green, Henkle, Holloway, McCleary, Miles, Morrow, Slade, Smith, Taylor, and Winans—15.

Those who voted in the negative were—

Messrs. Cantwell, Corwine, Hatch, Kincaid, Langdon, McKelly. Perkey, Perrill, Phelps, Reid, Schleich, Thomas, Vanatta and Westcott—14.

So the motion prevailed.

On motion of Mr. Winans,

The petition of A. Hiveling and 118 others, of Green county, for chain gangs to punish petit larceny, was taken from the table and referred to a select committee of one—Mr. Winans.

On motion of Mr. Slade,

The following bills were severally taken from the table, and referred to the standing committee on the Judiciary:

S. B. No. 14; To amend the present law relating to juries.

S. B. No. 64; Supplementary to an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts, passed March 14, 1853.

S. B. No. 72; To amend the 25th section of an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts, passed March 14, 1853.

S. B. No. 77; Supplementary to "an act to establish a code of civil procedure," passed March 11, 1853.

On motion of Mr. Slade,

S. B. No. 104; To amend the 77th section of an act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, was taken from the table, and referred to the standing committee on Corporations other than Municipal.

On motion of Mr. Miles,

The Senate took a recess.

THREE O'CLOCK P. M.

The President directed a call of the Senate, when 19 Senators answered to their names.

On motion of Mr. Miles,

All further proceedings under the call were dispensed with.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

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H. B. No. 369; To provide for releasing ministerial and school sections in Homer township, Morgan county.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has indefinitely postponed

S. B. No. 189; To amend section 36 of an act entitled an act providing for the punishment of crimes, passed March 7, 1835; and

S. B. No. 5; To amend section 8, of the act entitled an act relating to juries, passed February 9, 1831.

Attest: JOHN W. KEES, Clerk.

Mr. Canfield, on leave, introduced a bill:

S. B. No. 238; To authorize the sale of surplus copies of the laws, journals, and executive documents;

Which was read the first time.

Mr. Phelps, on leave, introduced a bill:

S. B. No. 239; To authorize the Board of Education of the township of Jefferson, in the county of Mercer, and State of Ohio, to borrow money for school purposes;

Which was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 307; To authorize the Commissioners of Franklin county to sell the Infirmary Farm of said county, and to provide for the erection of a county jail in said county.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. B. No. 295; To amend the act entitled an act to fix the salaries of judges in certain cases, and

H. B. No. 368; To amend the 186th section of the code of civil procedure, before justices of the peace.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

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H. J. R. No. 50; Relative to finishing stairs in the State House.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. Slade,

The Senate resolved itself into a committee of the whole, on the orders of the day, Mr. Smith in the chair, and after some time spent therein, rose and reported

H. B. No. 8; To repeal the 10 per cent. law, passed March 14, 1850, without amendment.

Mr. Slade moved that said bill be recommitted to the committee of the whole Senate and made the special order of the day for Thursday, the 17th day of February, 1859.

Mr. Reid moved to lay said motion to recommit upon the table;

Which was agreed to.

S. B. No. 232; Supplementary to an act entitled an act for the regulation of the public works of the State of Ohio, passed April 12, 1858.

Referred to the standing committee on Public Works.

S. B. No. 235; Further to provide for the care and distribution of the public arms.

Referred to the standing committee on the Militia.

S. B. No. 234; Providing for the vacating of roads, dedicated by private persons to public use.

Referred to the standing committee on Roads and Highways.

S. B. No. 236; Supplementary to the act entitled "an act to incorporate the State Bank of Ohio, and other banking companies," passed February 24, 1845, with sundry amendments; and

On motion, said bill with the pending amendments was referred to the standing committee on the Judiciary.

The following communication was received from the Governor, by the hands of his private secretary, A. M. Gangewer, Esq.:

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, February 8, 1859.

To the General Assembly of the State of Ohio:

I transmit herewith, in compliance with the provisions of the act, passed February 5, 1859, the result of the canvass of the votes cast at the annual election, on the second Tuesday of October, 1858, for the office of the Comptroller of the Treasury, made by the Governor, Auditor and Secretary of State. The vote was canvassed at the same time with that for Supreme Judge, and member of Board of Public Works, but was not certified, there being then no provision of law requiring or authorizing such certification.

S. P. CHASE.

On motion of Mr. Phelps,

Said abstract of votes was ordered to be placed upon the journal.

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ABSTRACT of votes cast for Comptroller of the Treasury of the State of Ohio, at the annual election, on the second Tuesday of October, 1858.

COUNTIES.	Wm. B. Thrall.	Sam'l W. Gilson.	Durbin Ward.	J. W. Gray.	Scattering.
Adams	1,165	1,212	------	------	------
Allen	1,419	1,520	------	------	------
Ashland	1,647	1,851	------	------	------
Ashtabula	3,412	860	------	------	------
Athens	2,103	1,221	141	------	------
Auglaize	805	1,537	------	------	------
Belmont	2,750	2,489	------	------	------
Brown	1,555	2,390	------	------	------
Butler	2,549	3,716	------	------	------
Carroll	1,577	1,240	------	------	------
Champaign	1,675	1,254	------	------	2
Clark	2,111	1,150	------	------	------
Clermont	2,397	2,407	------	------	------
Clinton	1,809	1,080	------	------	------
Columbiana	3,067	2,092	------	------	------
Coshocton	2,059	2,372	------	------	------
Crawford	1,519	2,123	------	------	------
Cuyahoga	5,090	3,718	------	------	------
Darke	2,204	2,179	------	------	------
Defiance	830	1,008	------	------	------
Delaware	1,958	1,441	------	------	------
Erie	1,977	1,380	------	4	------
Fairfield	1,722	2,980	------	------	------
Fayette	1,231	784	------	------	------
Franklin	3,929	4,175	------	------	1
Fulton	1,186	850	------	------	------
Gallia	1,510	1,362	------	------	------
Geauga	1,864	532	------	------	------
Greene	2,460	1,103	------	------	------
Guernsey	2,108	1,754	------	------	------
Hamilton	15,303	14,158	------	------	------
Hancock	1,825	2,016	------	------	------
Hardin	1,016	809	------	------	------
Harrison	1,927	1,338	------	------	------
Henry	525	698	------	------	------
Highland	1,783	1,855	------	------	------
Hocking	1,097	1,407	------	------	------
Holmes	1,241	1,383	------	------	------
Huron	2,997	1,506	------	------	------
Jackson	1,208	1,006	------	------	------
Jefferson	2,357	1,945	------	------	------
Knox	2,721	2,298	------	------	------
Lake	1,725	461	------	------	------
Lawrence	1,393	1,148	------	------	------

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ABSTRACT OF VOTES CAST EOR COMPTROLLER—Continued.

COUNTIES.	Wm. B. Thrall.	Sam'l W. Gilson.	Durbin Ward.	J. W. Gray.	Scattering.
Licking	3,143	3,503	------	------	------
Logan	1,725	1,217	------	------	1
Lorain	2,800	1,311	------	------	------
Lucas	1,775	1,567	------	------	------
Madison	1,113	691	------	------	------
Mahoning	2,244	2,027	------	------	------
Marion	1,337	1,243	------	------	------
Medina	2,140	1,426	------	------	------
Meigs	1,926	1,374	------	------	------
Mercer	648	1,156	------	------	------
Miami	2,950	1,880	------	------	------
Monroe	896	2,138	------	------	------
Montgomery	4,649	4,642	------	------	------
Morgan	1,928	1,426	------	------	------
Morrow	1,849	1,629	------	------	------
Muskingum	3,497	3,242	------	------	------
Noble	1,368	1,056	------	------	------
Ottawa	329	571	------	------	------
Paulding	465	236	------	------	------
Perry	1,468	1,675	------	------	------
Pickaway	1,829	2,169	------	------	------
Pike	707	1,145	------	------	------
Portage	2,597	1,915	------	------	------
Preble	2,466	1,640	------	------	------
Putnam	765	994	------	------	------
Richland	2,453	2,726	------	------	------
Ross	2,683	2,708	------	------	------
Sandusky	1,237	1,555	------	------	------
Scioto	1,813	1,558	------	------	------
Seneca	2,252	2,269	------	------	------
Shelby	1,384	1,377	------	------	------
Stark	3,087	3,280	------	------	------
Summit	2,739	1,737	------	------	------
Trumbull	3,100	1,619	------	------	------
Tuscarawas	2,740	2,612	------	------	------
Union	1,150	886	------	------	------
Vanwert	721	772	------	------	------
Vinton	1,044	1,146	------	------	------
Warren	2,482	1,433	------	------	------
Washington	2,377	2,161	------	------	------
Wayne	2,780	2,828	------	------	------
Williams	1,088	990	------	------	------
Wood	1,368	932	------	------	------
Wyandott	1,300	1,128	------	------	------
	183,213	161,838	141	4	4

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SECRETARY OF STATE'S OFFICE,
COLUMBUS, O., Feb. 1859.

We hereby certify that for Comptroller of the Treasury, William B. Thrall, received 183,213 votes, Samuel W. Gilson received 161,838 votes, Durbin Ward received 141 votes, J. W. Gray received 4 votes, and scattering received 4 votes.

S. P. CHASE, *Governor.*
F. M. WRIGHT, *Auditor of State.*
A. P. RUSSELL, *Secretary of State.*

On motion of Mr. McCleary,

The Senate adjourned.

Attest: C. W. BLAIR, *Clerk.*

WEDNESDAY, FEBRUARY 9, 1859.

Prayer by the Rev. Mr. Porter.

Mr. Reid presented the petition of Joseph G. Tomy and 61 others; of John Yager and 26 others; of G. W. Johnston and 26 others; of H. Clark and 22 others; of John Rayner and 55 others; of J. H. Wood and 25 others; of S. E. Brown and 21 others; of J. F. McKinney and 21 others; of G. N. Zugenfelder and 40 others; of G. Volney and 45 others; of Martin Sampson and 59 others; of Matthew Caldwell and 26 others; of Wm. B. Mendenhall and 31 others; of Wm. M. Garney and 8 others; of John Stuepel and 7 others; of J. D. Holtzerman and 47 others, of Miami county, asking for the passage of Piqua court bill.

Referred to the select committee on that subject.

S. B. No. 307; To authorize the commissioners of Franklin county to sell the Infirmary farm of said county, and to provide for the erection of a county jail in said county,

Was read the second time and committed to a committee of the whole, and made the order of the day for this day. Also,

H. B. No. 369; To provide for releasing ministerial and school sections in Homer township, Morgan county.

Mr. Phelps, on leave, introduced a bill,

S. B. No. 240; Supplementary to an act to regulate the election, contest of election, and resignation of Justices of the Peace, passed March 11, 1853;

Which was read the first time.

Mr. Green, on leave, introduced a bill,

S. B. No. 241; To extend the time of payment for school section 16, Ludlow township, Washington county.

Mr. Reid, from the standing committee on Privileges and Elections, reported back

H. B. No. 142; To preserve the purity of elections, with amendments, which were agreed to.

The question then being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then ordered to be read the third time to-morrow.

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Mr. Westcott, from a select committee, reported back

H. B. No. 305; To authorize the town council of the incorporated villlage of Kalida to levy taxes for the purpose of erecting suitable school houses, with amendments, which were agreed to.

The question then being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 25, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Chapman, Corwine, Gard, Gatch Green, Henkle, Kincaid, Langdon, McKelly, Miles Morrow, Perkey, Perrill, Phelps, Reid, Snideler, Schleich, Slade, Smith, Westcott and Winans—25.

Those who voted in the negative were—

Messrs. Canfield, Holloway, McCleary, Taylor and Thomas—5.

So said bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

Mr. McCleary, from the standing committee on Railroads, reported back

S. B No. 85; Providing for enclosing railroads by fences and cattle-guards, with sundry amendments.

On motion, said bill, with the pending amendments, was referred to a select committee of one—Mr. Cantwell.

Mr. Thomas, from the standing committee on Municipal Corporations, reported back

H. B No. 260; To amend the seventh section of the act entitled "an act for the prevention of gaming," passed March 12, 1831, as amended by the act of April 17, 1857, entitled "an act to amend an act entitled an act more effectually to prevent gaming," passed January 19, 1846.

Referred to the standing committee on the Judiciary.

Message from the House of Representatives.

Mr. President:

The Speaker of the House has signed the following enrolled bill, and the same is now ready for the signature of the President of the Senate:

H. B. No 341; To fix the time and provide for the holding of the terms of the district court and court of common pleas in the several counties of the several judicial districts of the State of Ohio.

Attest: JOHN W. KEES, Clerk.

The President of the Senate, as required by the constitution, then signed the foregoing bill.

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Message from the House of Representatives.

Mr. President:

The House refuses to concur in Senate amendments to

H. B. No. 268; Supplementary to an act fixing the fees of sheriffs and constables.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Cadwell,

The Senate insisted upon its amendments, and requested a committee of conference upon the disagreement between the two Houses.

Mr. Schleich, from a select committee, reported back

S. J. R. No. 53; Relative to the taxes of banks, with amendments to preamble.

Mr. Taylor moved to lay said resolution on the table.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 13, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Gard, Gatch, Green, Holloway, McCleary, Miles, Slade, Taylor and Winans—13.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Henkle, Langdon, McKelly, Morrow, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Smith, Thomas and Westcott—18.

So said motion did not prevail.

Mr. Winans moved to commit said resolution to the committee of the whole Senate, and make it the order of the day for this day. Lost.

Mr. Winans moved to amend said resolution as follows:

1st amendment—Strike out the first resolution.

2d amendment—Strike out in 1st, 2d and 3d lines of 2d resolution, the words, "report bills enacting such amendments to existing laws, and such further legislation as may be," and insert, "inquire whether any further legislation, consistently with the constitution of the United States and the decisions of the federal courts, is necessary or expedient."

3d amendment—Add at the end of the second resolution the words, "and that they report by bill to either branch of the General Assembly, or otherwise."

On which amendment the yeas and nays were demanded, and being ordered, resulted—yeas 13, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Gard, Gatch, Green, Henkle, cCleary, Miles, Slade, Taylor and Winans—13.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Kincaid, Langdon, McKelly, Morrow, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Smith, Thomas and Westcott—18.

So said amendments were not agreed to.

The question then being on agreeing to the resolution,

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On motion of Mr. Langdon,

The Senate took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Phelps,

A call of the Senate was had, when 19 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion of Mr. Phelps,

All further proceedings under the call were dispensed with.

The question being on agreeing to

S. J. R. No. 53; Relative to the taxation of banks—

Mr. Gatch moved to amend said resolution as follows:

Strike out of 2d resolution all after the word "Resolved," and insert—That the finance committees of both Houses be instructed to inquire whether any further legislation is necessary and practicable to secure to the State the right to have reviewed in the supreme court of the United States any decision or decisions heretofore made in said court, involving the power of the General Assembly of this State to prescribe a rate or rule for the taxation of banks organized under the "act to incorporate the State Bank of Ohio and other Banking Companies," passed February 24th, 1845, different from that prescribed in the 60th section of said act; and that they report by bill or otherwise.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 13, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Gard, Gatch, Green, Henkle, Holloway, McCleary, Miles, Slade, Taylor and Winans—13.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Kincaid, Langdon, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Smith, Thomas and Westcott—16.

So said amendments were lost.

The question being on agreeing to said resolution,

The yeas and nays were demanded, and being ordered, resulted—yeas 17, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Kincaid, Langdon, McKelly, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Smith, Thomas and Westcott—17.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Gard, Gatch, Green, Henkle, Holloway, McCleary, Miles, Slade, Taylor and Winans—13.

So said resolution was agreed to.

The question being on agreeing to the amendment to preamble, the same was agreed to.

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Mr. Cadwell moved the following as a substitute for the preamble :

WHEREAS, It is the opinion of the members of this General Assembly that the principle "that all property employed in banking shall always bear a burden of taxation equal to that imposed on the property of individuals," is just and equitable : Therefore.

On which amendment the yeas and nays were demanded, and being ordered, resulted—yeas 14, nays 16, as follows :

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Gard, Gatch, Green, Henkle, Holloway, McCleary, Miles, Smith, Slade, Taylor and Winans—14.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Kincaid, Langdon, McKelly, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Thomas and Westcott—16.

So said amendments were lost.

The question then being on agreeing to the preamble,

The yeas and nays were demanded, and being ordered, resulted—yeas 16, nays 12, as follows :

Those who voted in the affirmative were—

Messrs Cantwell, Cass, Chapman, Corwine, Hatch, Kincaid, Langdon, McKelly, Perkey, Perrill, Phelps, Reid Shideler, Schleich, Thomas and Westcott—16.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Gard, Gatch, Green, Henkle, Holloway, Miles, Slade, Taylor and Winans—12.

So said preamble was agreed to.

On motion of Mr. Green,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

THURSDAY, FEBRUARY 10, 1859.

Prayer by the Rev. Wm. Porter.

The President of the Senate laid before the Senate a communication, stating that the reports of Ephraim M. Colestock, Special Examiner of the Treasury, and A. P. Stone, Treasurer of State, had been communicated to the House of Representatives.

Laid on the table.

Also, a communication from the Governor relative to the improvement of the Western Reserve harbors.

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Also, the reports of Ephraim M. Colestock, Special Examiner of the Treasury, and A. P. Russell, Secretary of State.

Severally laid on the table, and ordered to be printed.

Mr. Cadwell presented the petition of Julietta Comstock, and 260 other ladies and citizens of Willoughby, Lake county, on the subject of Woman's Rights.

Referred to the select committee on that subject.

S. B. No. 174; To suspend the operation of the first and second sections of an act therein named, so far as the shares of stock held by the State in any turnpike company of the State are concerned, for one year, was read the second time, and

On motion of Mr. Winans,

Said bill was indefinitely postponed.

H. B No 142; To preserve the purity of elections, was read the third time, and the question being

"Shall the bill pass?"

On motion of Mr. Morrow,

Said bill was committed to a select committee of three—Messrs. Morrow, Cadwell and Gatch.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B No. 354; To amend section 415 of the code of civil procedure. (Swan's Statutes, page 674.)

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Mr. Phelps, on leave, introduced a bill,

S. B. No. 242; To amend an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852; which was read the first time.

Mr. Henkle, on leave, introduced a bill,

S. B. No. 143; To amend an act, passed April 12, 1858, entitled "an act to amend the 313th and 314th sections of the code of civil procedure;" which was read the first time.

Mr. Shideler, from the standing committee on Agriculture, to which was referred

S. B. No. 224; Have had the same under consideration, and report it back, and recommend its passage.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read the third time now.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

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The yeas and nays were ordered, and resulted—yeas 29, nays none as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Perrill, Phelps, Reid, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Westcott, and Winans—29.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Schleich, from the standing committee on Militia, reported back

S. B. No. 235; To further provide for the care and distribution of the public arms, with sundry amendments; which were agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk and ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Perrill, Phelps, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Westcott and Winans—27.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Schleich, from the same committee, reported back

S. B. No. 228; To amend an act entitled "an act to organize and discipline the Militia and Volunteer Militia," passed March 28, 1857, and recommended its indefinite postponement; which was agreed to.

Mr. Schleich, from the same committee, reported back

S. B. No. 177; To amend section 14 of an act entitled "an act to organize and discipline the Militia and Volunteer Militia," passed March 30, 1857, and recommended its indefinite postponement; which was agreed to.

Mr. Reid, from a majority of the select committee on the subject, reported back

H. B. No. 74; To provide for holding additional terms of the court of common pleas of Miami county, to be held in the city of Piqua, for the trial of certain cases therein provided, with one amendment, striking out all after the enacting clause, and inserting a new bill.

Mr. Westcott moved that said bill be laid on the table, and the amendment be ordered to be printed.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 16, nays 15, as follows:

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Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Hatch, Holloway, Kincaid, McCleary, Perrill, Phelps, Reid, Shideler, Schleich, Slade, Smith, Taylor, Thomas and Westcott—16.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cass, Corwine, Gard, Gatch, Green, Henkle, Langdon, McKelly, Miles, Morrow and Winans—15.

So said motion prevailed.

Mr. Henkle, from a select committee, reported back

S. B. No. 211; To amend the 406th section of the code of civil procedure, and recommended its passage.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read a third time, and the question being

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 25, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Corwine, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelley, Miles, Perrill, Phelps, Shideler, Schleich, Slade, Smith, Taylor, Westcott and Winans—25.

Those who voted in the negative were—

Messrs. Chapman and Morrow—2.

So said bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

Mr. Langdon, from the committee of conference, reported back

H. J. R. No. 60; Relative to the State House, and recommended that the Senate recede from its amendment, and agree to sundry amendments reported by the committee.

The question then being on the Senate receding from its amendment, the same was agreed to.

Said amendments were then agreed to.

On motion of Mr. Cantwell,

S. B. No. 207; To amend and supplementary to an act entitled, "an act to provide for the re-organization, supervision and maintenance of common schools," passed March 14, 1853, was taken from the table.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green,

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Hatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Morrow, Perrill, Phelps, Reid, Shideler, Schleich, Smith, Taylor, Thomas, Westcott and Winans—25.

So, said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Reid,

The motion to commit H. B. No. 8; To repeal the 10 per cent. law, passed March 14, 1850, to the committee of the whole Senate and make it the special order of the day for next Thursday, the 17th February, 1859, was taken from the table.

The question then being on committing said bill to the committee of the whole Senate and making it the special order of the day for next Thursday, the 17th February, 1859, the same was agreed to.

On motion of Mr. Westcott,

The Senate took a recess.

THREE O'CLOCK P. M.

Mr. Hatch, from the standing committee on Finance, offered for adoption the following resolution.

S. J. R. No. 64; Relative to the fees and mileage of county treasurers:

Resolved by the General Assembly of the State of Ohio, That the Auditor of State be advised to allow to the county treasurers their mileage at each semi-annual settlement.

Resolved, That the Auditor of State be advised to allow to the county treasurers full per centum, under the statute, for all moneys collected upon the duplicate for which they now settle.

Resolved, That the Auditor of State be advised to distribute to the several counties. on or before the 25th March, 1859, all the school funds in the treasury not previously distributed.

Said resolution was agreed to.

On motion of Mr. Canfield,

The Senate resolved itself into a committee of the whole on the orders of the day, Mr. Henkle in the chair; and after some time spent therein, rose and reported that they had had under consideration sundry bills, had progressed therein, asked and obtained leave to sit again.

On motion of Mr. Morrow,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

FRIDAY, February 11, 1859.

Prayer by the Rev. Wm. Porter.

H. B No. 354; To amend the 415th section of the code of civil procedure, was read the second time, committed to a committee of the whole Senate, and made the order of the day for this day.

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Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 209; For the relief of John W. Allen.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

Mr. Winans, from the standing committee on Schools, reported back

H. B. No. 299; To repeal an act passed April 11, '1856, entitled an act "to authorize and regulate the sale of section 29 and the surrender of permanent leases thereto, in the county of Gallia, without amendment.

The question then being, shall the bill be read the third time, the same was agreed to.

Said bill was then ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Holloway, McCleary, Miles, Morrow, Perrill, Shideler, Schleich, Slade, Smith, Taylor, Westcott and Winans—21.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Morrow, from the same committee, reported back

H. B. No. 344; To amend section 64 of an act entitled "an act to provide for the organization, supervision and maintenance of common schools," passed March 14, 1853.

The question then being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were ordered, and resulted, yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Canfield, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, McCleary, Miles, Morrow, Perkey, Perrill, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Westcott and Winans—24.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Kincaid presented the remonstrance of James Kerr and 89 others, residents

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of Ripley and vicinity, Brown county, praying the Legislature not to pass an act for the erection of a toll gate within the corporate limits of the village of Ripley, Brown county.

Referred to committee on Corporations other than Municipal.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 64; Relative to allowance of mileage and per centum, and the distribution of school funds to county treasurers, by the Auditor of State.

Attest: JOHN W. KEES, Clerk.

Mr. Winans, from a select committee, reported back

H. B. No. 231; To provide for locating, establishing and constructing ditches, drains and water courses, with sundry amendments; and,

On motion of Mr. Winans,

Said bill, as proposed to be amended, was ordered to be printed.

On motion of Mr. Gatch,

The Senate resolved itself into a committee of the whole on the orders of the day, Mr. Henkle in the chair, and after some time spent therein, rose and reported that they had under consideration sundry bills, had postponed them, and asked and obtained leave to sit again.

Mr. Miles, from a select committee, reported back the petition of sundry citizens of Mount Vernon, relative to the repeal of the charter of said town, and said petition was referred to the standing committee on the Judiciary.

Mr. Miles offered for adoption the following resolution, which was agreed to:

Resolved, That the directors and warden of the Ohio Penitentiary, be and they are hereby instructed to report to the Senate, at the earliest day practicable, the amount paid per 1,000 feet for gas for the use of the Penitentiary; the amount annually expended for lighting the Penitentiary; the cost of fuel per annum consumed in the laundry and cooking departments of the prison proper, and the number of prisoners employed in the same. Also the estimate of cost per 1,000 cubic feet of manufacturing coal gas, within the walls of the prison; the cost of manufacturing the same, and heating the water for the laundry and cooking departments proper. Also the estimated cost of works of sufficient capacity to manufacture coal gas, and at the same time heat water for laundry, cooking and bathing purposes; together with the number of prisoners that would be required in the laundry and cooking departments, and the number required to manufacture the gas, together with any other information they may be in possession of in the premises.

Mr. Green offered for adoption the following resolution:

Resolved, That when the Senate adjourns, it shall adjourn until Tuesday, at 3 o'clock P. M. Pending which,

On motion of Mr. Langdon,

The Senate took a recess.

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THREE O'CLOCK P. M.

The question being on the adoption of the resolution relative to the adjournment of the Senate until next Tuesday, the same was disagreed to.

Mr. Canfield asked and obtained leave of absence until next Thursday for Mr. Buckland.

Mr. Winans, from the select committee of one, to whom was referred the petition of A Hivling and 118 others, citizens of Green county, praying that petit larceny may be punished by labor upon chain gangs, reported,

That, in the opinion of the committee, no further legislation is necessary, substantially to punish petit larceny in the manner contemplated by the petition. The act entitled "an act to amend the act to provide for the more effectual punishment of certain offences," passed March 12, 1845, (Swan's Revised Statutes, page 282,) authorizes persons convicted of offences, all or any part of the punishment for which is imprisonment in the county jail, to be sentenced to hard labor, not exceeding six months, under such orders, rules and regulations as may be adopted by the county commissioners. The committee, therefore, respectfully reports the petition back, and asks to be discharged from any further consideration thereof.

JAMES J. WINANS.

Message from the House of Representatives.

Mr. President:

The House agrees to the request of the Senate for a committee of conference upon H. B No. 268, and has appointed Messrs. Saffin, Monroe and Bigony such committee on the part of the House.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Langdon,

The Senate resolved itself into a committee of the whole on the orders of the day, Mr. Henkle in the chair, and after some time spent therein, rose and reported back

H. B. No. 307; To authorize the commissioners of Franklin county to sell the Infirmary farm of said county and to provide for the erection of a county jail in said county.

Referred to the standing committee on the Judiciary.

H. B. No. 333; Amendatory of the 12th section of the act to provide for laying out and establishing free turnpike roads, passed March 12, 1845.

Referred to the standing committee on Roads and Highways.

H. B. No 369; To provide for releasing ministerial and school sections in Homer township, Morgan county.

Referred to the standing committee on Schools, and School Lands.

H. B. No. 354; To amend section 415 of the code civil procedure.

Referred to the standing committee on the Judiciary.

S. B No. 230; To authorize the Ripley & Hillsborough Turnpike Company to erect a toll gate and to collect tolls at the same within the corporate limits of the incorporated village of Ripley, in the county of Brown.

Referred to the standing committee on Corporations other than Municipal.

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S. B. No. 220; To let the superintendence and repairs of the public works of the State of Ohio by contract.

Referred to the standing committee on Public Works.

S. B. No. 148; To further define the rights of married women, with sundry amendments.

On motion, said bill with the pending amendments was referred to a select committee of three—Messrs. Canfield, Schleich and Winans.

S. B. No. 233; Supplementary to the act entitled "an act to establish the independent treasury of the State of Ohio, and an act to further provide for the better regulation, receipt and disbursement of the public revenue," passed April 12, 1858.

Mr Cass moved that said bill be referred to the standing committee on the Judiciary.

Mr. Winans moved to amend the motion to commit by instructing as follows:

Strike out all after the enacting clause and insert: That it shall be the duty of the county commissioners of each county in this State to employ a file of ten soldiers, who shall be armed and equipped in all respects, with suitable fire and side arms; of whom five shall set up with and watch the county treasury every alternate night, to the end that such treasury be not robbed.

Mr. Schleich demanded a division of the question.

The question then being on the amendment the same was disagreed to.

The question then recurring on committing said bill to the standing committee on the Judiciary, the same was agreed to.

Mr. Gatch offered for adoption the following resolution:

Resolved, That the Senate, when it adjourns, it will adjourn until Tuesday, the 15th instant.

On which resolution the yeas and nays were demanded and being ordered resulted—yeas none, nays 23, as follows:

Those who voted in the negative were—

Messrs. Canfield, Cantwell, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Kincaid, Langdon, McKelly, Morrow, Perkey, Perrill, Phelps, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta, Westcott, and Winans—23.

So said resolution did not prevail.

Message from the House of Representatives.

Mr. President:

The House has agreed to the report of the committee of conference on the subject matter of difference between the two Houses on

H. J. R. No. 60; Calling upon the acting commissioner of the new State House for certain information.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

Since the passage by the House of

H. B. No. 143; For the sale of certain public works of the State of Ohio,

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the enclosed remonstrances against the sale of said public works have been presented in the House, and ordered to be transmitted to the Senate.

Attest: JOHN W. KEES, Clerk.

On motion, said bill was referred to the standing committee on Public Works.

Message from the House of Representatives.

Mr. President:

The House has passed the following joint resolution:

S. J. R. No. 60; Relative to claim of B. F. Dale & Co. Also,

S. J. R. No. 63; Relative to adjustment of damages on land of Joseph Henold, with an amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

Said amendment was agreed to.

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, Feb. 11, 1859.

To the Senate:

If the Senate advise and consent, I appoint George E. Howe, of Lake county, to be acting commissioner of Reform Schools, in place of Charles Reemelin, resigned.

S. P. CHASE.

On motion of Mr. Langdon,

Said nomination was referred to the standing committee on Executive Nominations.

The President appointed as the committee of conference on the part of the Senate on the disagreement between the two Houses on

H. B. No. 268; Supplementary to the act fixing the fees of sheriffs, constables and coroners, passed March 4, 1853, Messrs. Thomas and Westcott.

On motion of Mr. Canfield,

S. B. No. 178; To repeal an act entitled an act to amend the act entitled an act fixing the rates of interest," passed January 12, 1824, and all other laws on that subject, passed March 14, 1850, was made the special order of the day for next Thursday, the 17th February, 1859.

On motion of Mr. Canfield,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

SATURDAY, FEBRUARY 12, 1859.

Prayer by the Rev. Mr. Nicholson.

On motion, leave of absence till Tuesday was granted to Messrs. Phelps, Gatch, Cass and Westcott.

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Mr. Morrow presented the memorial of E. Achibold and others, relative to the circulation of small bills of other States.

Referred to the standing committee on Banks and Currency.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

H. B. No. 209; For the relief of John W. Allen.

S B. No 238; To authorize the sale of surplus copies of the laws, journals and executive documents.

S. B No. 239; To authorize the Board of Education of the township of Jefferson, in the county of Mercer, and State of Ohio, to borrow money for school-house purposes.

S. B. No. 240; Supplementary to "an act to regulate the election, contest of election, and the resignation of justices of the peace," passed March 11, 1853.

S. B. No. 241; To extend the time of payment for school section sixteen, Ludlow township, Washington county.

S B No 243; To amend an act passed April 12, 1858, entitled "an act to amend the 313th and 314th sections of the code of civil procedure."

Mr. Winans, on leave, introduced a bill:

S. B. No. 244; Supplementary to an act entiled "an act to provide for the settlement of the estates of deceased persons," passed March 23, 1840, which was read the first time.

Mr. Hatch, on leave, introduced a bill:

S. B. No. 245; To amend an act passed April 15, 1857, entitled "an act to authorize the commissioners of Hamilton county to surrender the lower river road and the extension thereof to the creditors and bond-holders of said road.

Mr. Winans, from a select committee, reported back

S. B. No. 246; To make the incorporated village of Jamestown a separate road district;

Which was read the first time.

Mr. Hatch moved that the Senate adjourn till Tuesday morning at ten o'clock.

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 8, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Gard, Hatch, Kincaid, Slade, Taylor and Thomas —8.

Those who voted in the negative were—

Messrs. Chapman, Corwine, Henkle, McCleary, Morrow, Perrill, Schleich, Shideler, Smith, Vanatta and Winans—11.

So said motion was lost.

On motion of Mr. Slade, it was

Resolved, That when the Senate adjourns, it will adjourn till Monday, at 3 o'clock P. M.

On motion of Mr. Schleich,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

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MONDAY, FEBRUARY 14, 1859.

In the absence of the President of the Senate, Mr. Langdon took the chair, and called the Senate to order.

On motion of Mr. Henkle,

A call of the Senate was had, and 17 members answered to their names.

The Sergeant-at-Arms was dispatched after the absentees. Several members appearing within the bar of the Senate, on motion,

All further proceedings under the call were dispensed with.

On motion of Mr. Henkle,

The Senate proceeded to elect a President pro tem.

Mr. Henkle nominated Hon. E. Bassett Langdon.

Those who voted for Mr. Langdon were—

Messrs. Ashmun, Canfield, Chapman, Corwine, Gard, Hatch, Henkle, Kincaid, McCleary, Shideler, Schleich, Slade, Taylor, Thomas, Vanatta and Winans—16.

Mr. Smith voted for Mr. Taylor, and Mr. Langdon for Mr. Schleich.

So, Mr. Langdon having received a constitutional majority, was duly elected President pro tem. of the Senate; and the oath of office having been administered to him by L. L. Rice, Esq., Notary Public, he proceeded to discharge the duties of the office.

The President of the Senate laid before the Senate a communication from the Governor, by the hands of his private secretary, A. M. Gangewer, Esq, appointing William A. Moore, of Richland county, to be the register of the Virginia military school lands at Mansfield;

Which was referred to the standing committee on Executive Nominations.

Mr. Canfield, on leave, presented the petition of Joseph Heighton and 107 others, residents of Portage county, praying that no person who has been held as a slave shall be delivered up by any officer or court within this State to the claimant.

Referred to the committee on Federal Relations.

Mr. Henkle, on leave, introduced a bill,

S B. No. 247; A bill to repeal sections 58, 59, 60, 61, and 62, of "an act to provide for the organization, supervision and maintenance of common schools," passed March 11, 1853; which was read the first time.

Mr. Perrill, on leave, introduced a bill,

S. B. No. 248; To amend section five of an act entitled "an act to regulate the fees of the clerks of the court of common pleas," passed May 1, 1854; which was read the first time.

Mr. Smith, on leave, introduced a bill,

S. B. No. 249; To amend an act entitled "an act to establish alterations in State and county roads," passed March 25, 1854; which was read the first time.

Mr. Canfield, on leave, introduced a bill,

S. B. No. 250; A bill for the relief of railroad companies in certain cases; which was read the first time.

Mr. Hatch, from the standing committee on Finance, reported back

H. B. No. 365; Making a partial appropriation to meet the current expenses of the Northern Ohio Lunatic Asylum, for the year 1859.

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Said bill was ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass."

The yeas and nays were ordered and resulted yeas 19, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Chapman, Corwine, Gard, Hatch, Henkle, Kincaid, Langdon, McCleary, Perrill, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta and Winans—19.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House has concurred in Senate amendment to

H. B. No. 305; To authorize the town council of the incorporated village of Kalida, to levy taxes for the purpose of erecting suitable school houses.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 394; To authorize the Board of Education of the incorporated village of Woodsfield, to borrow money for school house purposes.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 330; To authorize the commissioners of Lawrence county, in this State, to set apart a portion of the funds collected for road purposes, and to make specific appropriations of the same.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No. 381; To authorize courts to give effect to the intention of parties and officers by curing defects, omissions and errors in instruments and proceedings.

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H. B. No. 322; To amend section 54 of the act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

Attest: JOHN W. KEES, Clerk.

Said bills were severally read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 373; For the relief of Goldsmith Coffeen.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills, and the same are now ready for the signature of the President of the Senate:

H. B. No. 311; To amend the 314th section of the code of civil procedure.

H. B. No. 278; Supplementary to an act entitled "an act defining certain duties of clerks, sheriffs and prosecuting attorneys, passed February 26, 1842.

H. J. R. No. 50; Relative to finishing stairs in State House.

H. B. No. 356; To authorize the making of real estate indexes, and further to prescribe the duties of county commissioners and recorders in certain counties.

H. B. No. 338; To prohibit watchmen and other police officers from claiming witness fees in certain cases.

H. B. No. 368; To amend the 186th section of an act entitled an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts, passed March 14th, 1853.

Attest: JOHN W. KEES, Clerk.

The President of the Senate then proceeded, in the presence of the Senate, to sign the foregoing enrolled bills and joint resolutions as required by the constitution.

Mr. Perrill offered for adoption the following joint resolution:

WHEREAS, Memorials have been presented to this General Assembly, setting forth that proposals have been submitted to the directors and warden of the Penitentiary, offering to contract for convict labor in the trade of shoemaking; and setting forth that to let convict labor in this branch of the mechanic arts, would be greatly detrimental to the interests of a large class of industrious mechanics who have no other means of earning a livelihood for themselves and families, therefore,

Resolved by the General Assembly of the State of Ohio, That the directors and warden of the Penitentiary are hereby directed not to let any convict labor to be employed at the trade of boot and shoemaking.

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On motion of Mr. Taylor,

Said resolution was referred to the standing committee on the Penitentiary.

Mr. Winans, rose to a question of privilege, relative to an editorial article from the Ohio Statesman of this date, and proceeded to remark upon the charges therein contained; and also to explain his views in offering the amendment referred to.

On motion of Mr. Henkle,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

TUESDAY, February 15, 1859.

Prayer by the Rev. Mr. Wright.

The following bills were severally read a second time, committed to a committee of the whole Senate, and made the order of the day for this day.

S. B. No. 244; Supplementary to the act entitled "an act to provide for the settlement of the estates of deceased persons," passed March 23, 1840.

S. B. No. 242; To amend an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852.

H. B. No. 322; To amend section 54 of the act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

H. B. No. 394; To authorize the Board of Education for the incorporated village of Woodsfield, to borrow money for school house purposes.

H. B. No. 381; To authorize courts to give effect to the intention of parties and officers by curing defects, omissions and errors in instruments and proceedings.

H. B. No. 330; To authorize the commissioners of the county of Lawrence in this State, to set apart a portion of the funds collected for road purposes, and to make specific appropriation of the same.

H. B. No. 373; For the relief of Goldsmith Coffeen, was read a second time, and,

On motion of Mr. Smith,

Said bill was ordered to be read a third time to-morrow.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 331; To amend an act concerning the relation of guardian and ward, passed April 12th, 1858.

Attest: John W. Keys, Clerk.

Said bill was read the first time.

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Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled joint resolutions, and the same are now ready for the signature of the President of the Senate:

S. J. R. No 64; Relative to allowance of mileage and per centum, and distribution of school funds to county treasurers, by the Auditor of State.

S. J. R. No. 59; Relative to binding report of Commissioner of Statistics with Executive Documents.

S. J. R. No. 56; Relative to appointment of committee to visit Charity School of Kendall, Stark county.

S. J. R. No. 57; Relative to printing the report of the Commissioner of Statistics.

Attest: JOHN W. KERR, Clerk.

The President of the Senate then signed the foregoing joint resolutions, as required by the constitution.

Mr. Hatch, on leave, introduced a bill,

S. B. No 251; To provide for the sale of lands for non-payment of taxes; which was read the first time.

Also, S. B. 252; To provide for the redemption of lands sold for taxes; which was read the first time.

Mr. Reid, on leave, introduced a bill,

S B. No. No. 253; To enable the proprietors of the "Ohio White Sulphur Springs," or other associations of persons for the improvement of mineral springs in Ohio, to become a body corporate; which was read the first time.

Mr. Perrill, from the standing committee on the Penitentiary, reported back

S J. R No. 67; Relative to the manufacture of boots and shoes in the Ohio Penitentiary, and recommended that it be laid on the table to be printed; which was agreed to.

Mr. Schleich, from the standing committee on Public Works, reported back

S B. No. 153; Conferring certain powers on, and prescribing certain duties of the Board of Public Works, with one amendment, striking out all after the enacting clause, and inserting a new bill.

On motion of Mr. Reid,

Said bill, with the pending amendment, was laid on the table, and the amendment ordered to be printed.

On motion of Mr. Schleich,

The Senate resolved itself into a committee of the whole, on the orders of the day, Mr. Slade in the chair; and after some time spent therein, rose and reported back

H. B. No. 394; To authorize the Board of Education for the incorporated village of Woodsfield, to borrow money for school house purposes.

Referred to the standing committee on Schools and School Lands.

H. B. No. 330; To authorize the commissioners of the county of Lawrence, in

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this State, to set apart a portion of the funds collected for road purposes, and to make specific appropriations of the same.

Referred to the standing committee on Roads and Highways.

H. B. No. 322; To amend section 54 of the act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

Referred to the standing committee on Municipal Corporations.

H. B. No. 381; To authorize courts to give effect to the intention of parties and officers, by curing defects, omissions and errors, in instruments and proceedings, with one amendment.

Referred with the pending amendment to the standing committee on the Judiciary.

S. B. No. 238; To authorize the sale of surplus copies of the Laws, Journals, and Executive Documents.

Referred to the standing committee on State Library.

S. B. No. 244; Supplementary to the act entitled "an act to provide for the settlement of the estates of deceased persons," passed March 23, 1840.

Referred to the standing committee on the Judiciary.

On motion of Mr. Langdon,

The Senate took a recess.

THREE O'CLOCK P. M.

The President directed a call of the Senate, when 21 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

Mr. Canfield offered for adoption the following resolution:

Resolved, That the standing committee on Rules be and are hereby instructed to inquire and report as soon as practicable, upon the expediency of adopting the following regulations and rules, or rules similar thereto, viz:

First. That the desks now provided for the exclusive use of Senators, be removed, leaving only the seats as now arranged.

Second. That the Clerk be required, at the close of the session of each day, to prepare a list of all the orders, general and special, for the next succeeding session day, and a list of all bills for the third reading, and post the same, immediately upon the adjournment of the Senate, in some convenient place in the Senate Chamber, for the use of members; special orders to be continued on the list until the day for which they are assigned.

Third. That any Senator, in speaking upon any subject before the Senate or committee of the whole, may address the President or chairman, as the case may be, standing at his own seat or take a position in front of the clerk's desk, as he may choose.

On motion, said resolution was referred to the standing committee on State Buildings.

Mr. Henkle offered for adoption the following resolution:

Resolved, That the Secretary of State be authorized to contract for 200 copies each of the 17th and 19th vols. of Ohio Reports, (now out of print,) at a price not exceeding $2 25 per copy.

On motion, said resolution was referred to the standing committee on St ate Library.

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Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 143; Supplementary to an act to provide for the organization of cities and incorporated villages, passed May 3, 1852; and

S. B. No. 7; For the punishment of certain offences therein named.

Attest: JOHN W. KERR, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

H. B. No. 302; To exempt agricultural fair grounds from taxation;

And requests the concurrence of the Senate in the same.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

Mr. Cantwell, from a select committee, reported back

S. B. No. 85; Providing for enclosing railroads by fences and cattle-guards, with amendments.

On motion of Mr. Langdon,

Said bill, with the pending amendments, was referred to the standing committee on Corporations other than Municipal.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No. 366; An act to provide for taxing in cost bills the expense of procuring transcripts and records.

H. B. No. 385; To amend an act entitled "an act to authorize the erection of town halls," passed February 24, 1848. [Swan's Revised Statutes, page 946.]

Attest: JOHN W. KERR, Clerk.

Said bills were severally read the first time.

Mr. Langdon, on leave, introduced a bill:

S. B. No. 254; To amend an act entitled "an act to amend several acts incorporating mutual insurance companies in the State of Ohio," passed March 27, 1841,

Which was read the first time.

On motion of Mr. Morrow,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

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WEDNESDAY, FEBRUARY 16, 1859.

Mr. Shideler presented the petition of S. Peterson and 405 others, asking for an amendment to the constitution relative to license.

Referred to the standing committee on the evils resulting from the sale of Intoxicating Liquors.

The following bills were severally read a second time, committed to a committee of the whole Senate, and made the order of the day for this day :

H. B. No. 366 ; To provide for taxing in cost bills the expense of procuring transcripts and records.

H. B No. 385 ; To amend an act entitled "an act to authorize the erection of town halls," passed February 24th, 1848.

H. B. No. 331 ; To amend an act concerning the relations of guardian and ward, passed April 12, 1858.

H. B. No. 302 ; To exempt agricultural grounds from taxation.

S. B. No. 245 ; To amend an act passed April 15, 1857, entitled "an act to authorize the commissioners of Hamilton county to surrender the lower river road, and the extension thereof, to the creditors and bond holders of said road, was read the second time, and referred to the standing committee on Roads and Highways.

H. B. No. 373 ; For the relief of Goldsmith Coffeen, was read the third time, and the question being,

"Shall the bill pass ?"

The yeas and nays were ordered, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—29.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Murdock, on leave, introduced a bill,

S. B. No. 255 ; To amend an act entitled "an act restricting the duties of county auditors," passed March 23, 1840 ;

Which was read the first time.

Mr. Morrow, from the standing committee on Schools and School Lands, reported back

H B No. 394 ; To authorize the Board of Education of the incorporated village of Woodsfield, to borrow money for school house purposes.

The question then being on ordering said bill to be read the third time, the same was decided in the affirmative.

Said bill was then read a third time, and the question being,

"Shall the bill pass ?"

The yeas and nays were ordered, and resulted—yeas 24, nays none, as follows :

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Corwine, Gard, Gatch, Hatch,

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Henkle, Kincaid, McKelly, Miles, Morrow, Murdock, Phelps, Reid, Safford, Schleich, Slade, Smith, Thomas, Vanatta, Westcott and Winans—24.

So said bill having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

Mr. Morrow, from a select committee, reported back

H. B. No. 142; To preserve the purity of elections.

Mr. Langdon moved to re-commit said bill to a select committee of one, with instructions as follows:

In section 1, strike out lines 17, 18 and 19.

In section 1, lines 27 and 28, strike out the words "he does his business," and insert "his place of business."

In section 3, line 4, insert between the words "the" and "names" the words "name or"; also between the words "the" and "persons" the words "person or"; also after the word "office" insert the words "or offices."

In section 12, line 9, at the end of section add "year."

In section 13, strike out "recorded" and insert "received" in line 14.

In section 19, line 31, strike out "the" and insert "this"; also in line 33, strike out "the" and insert "this."

In section 15, in line 2, between the words "shall" and "answered," insert the word "have."

In section 16, line 2, add to end of line the words "or affirmation."

In section 16, line 3, strike out "may" and insert "shall."

Insert after the word "officers" in 11th line of section 1, the following: "all officers of cities and incorporated villages."

Said motion prevailed, and Mr. Langdon was appointed the select committee.

Mr. Phelps, from the standing committee on the Judiciary, reported back

S. B. No. 236, with several amendments, which were agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—32.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

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Mr. Phelps, from the same committee, reported back

H. B. No. 307; To authorize the commissioners of Franklin county to sell the Infirmary Farm in said county, and to provide for the erection of a county jail in said county, with an amendment, which was agreed to.

The question then being on ordering said bill to be read a third time, the same was decided in the affirmative.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 31, nays none, as follows;

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—31.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from the same committee, reported back

H. B. No. 260; To amend the 7th section of the act entitled "an act for the prevention of gaming" passed March 12, 1851, as amended by the act of April 17, 1857, entitled an act to amend an act entitled an act more effectually to prevent gambling, passed January 17, 1840.

The question then being on ordering said bill to be read a third time, the same was decided in the affirmative.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 27, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Thomas, Vanatta, Westcott and Winans—27.

Those who voted in the negative were—

Messrs. Canfield and Taylor—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps from the same committee, reported back

S. B. No. 227; To authorize the adoption of children, with amendments, which were agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed and ordered to be read a third time to-morrow.

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Mr. Hatch, from a select committee, reported back

H. B. No. 303; To amend a certain act entitled "an act to authorize the commissioners of Hamilton county to surrender the lower river road and the extension thereof, to the creditors and bond-holders of said road, with amendments, which were agreed to.

The question then being on ordering said bill to be read a third time, the same was decided in the affirmative.

Said bill was then ordered to be read a third time to-morrow.

Mr. Winans, from a select committee, reported back

H. B. No. 355; To authorize the trustees of Green township, in the county of Scioto, to prosecute in their own name civil actions in certain cases, relative to school lands ceded by Congress to the district of country known as "French Grant."

The question then being on ordering said bill to be read a third time, the same was decided in the affirmative.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time and the question being

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Kincaid, McCleary, McKelley, Miles, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—30.

So said bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

Mr Cass, from a select committee, reported back,

H. B. No. 362; To authorize the commissioners of Coshocton county to borrow money to supply the deficiency in the treasury of said county, and recommended its passage.

Mr. Winans moved to commit said bill to a select committee of three. Lost.

On motion of Mr. Reid,

Said bill was referred to the standing committee on the Judiciary.

Mr. Langdon, from a select committee, reported back,

H. B. No. 142; To preserve the purity of elections, with amendments, which were agreed to.

The question then being,

"Shall the bill pass?"

Mr. Cadwell moved that said bill be indefinitely postponed, on which motion the yeas and nays were demanded and being ordered, resulted—yeas 18, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Corwine, Gard, Gatch,

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Hatch, Henkle, McCleary, Miles, Morrow, Shideler, Slade, Smith, Taylor and Winans—18.

Those who voted in the negative were—

Messrs. Kincaid, Langdon, McKelly, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Schleich, Thomas, Vanatta and Westcott—13.

So said motion prevailed, and the bill was indefinitely postponed.

Message from the House of Representatives.

Mr. President :

The House has passed

H. B. No. 346 ; To provide for the working of unfinished turnpike roads by supervisors of the highways ; and requests the concurrence of the Senate in the same.

Attest : JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President :

The House has passed

H B. No. 396 ; To authorize the Board of Education of the incorporated village of Newark to borrow money ;

And requests the concurrence of the Senate in the same.

Attest : JOHN W. KEES, Clerk.

Said bill was read the first time.

On motion of Mr. Henkle,

The Senate took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Slade,

A call of the Senate was had, and 18 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

On motion of Mr. Morrow,

Mr. Thomas was excused for this afternoon.

Mr. Canfield, on leave, from the standing committee on Schools, introduced a bill :

S B. No. 256 ; Supplementary to an act entitled "an act to provide for the re-organization, supervision and maintenance of common schools," passed March 1, 1853 ;

Which was read the first time.

On motion of Mr. Phelps,

The Senate resolved itself into a committee of the whole Senate on the order of the day, Mr. Gard in the chair, and after some time spent therein, rose and reported back the following bills, some with and some without amendments, as follows :

S. B. No. 214 ; To prevent the recovery of damages on protested bills of exchange, and to repeal section one of an act entitled "an act ascertaining damages on protested bills of exchange," passed February 15, 1831, without amendment.

Referred to the standing committee on the Judiciary.

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S. B. No. 239; To authorize the Board of Education of the township of Jefferson, in the county of Mercer, and State of Ohio, to borrow money for school-house purposes, without amendment.

Referred to the standing committee on Schools and School Lands.

S. B. No. 240; Supplementary to an act to regulate the elections, contest of elections, and the resignation of justices of the peace, passed March 11, 1853.

Referred to the standing committee on Privileges and Elections.

S. B. No. 243; To amend an act passed April 12, 1858, entitled "an act to amend the 313th and 314th sections of the code of civil procedure," without amendment.

Referred to the standing committee on the Judiciary.

S. B. No. 142; To amend an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, without amendment.

Referred to a select committee of one—Mr. Phelps.

H B. No. 366; An act to provide for taxing in cost bills the expense of procuring transcripts and records, without amendment.

Referred to the standing committee on the Judiciary.

H. B. No. 302; To exempt agricultural fair grounds from taxation, without amendment.

Referred to the standing committee on Finance.

H. B. No. 385; To amend an act entitled "an act to authorize the erection of town halls," passed February 24, 1848, without amendment.

Referred to the standing committee on Municipal Corporations.

H. B. No. 209; For the relief of John W. Allen, with an amendment striking out all after the enacting clause.

Mr. McKelly moved that said bill be indefinitely postponed;

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 22, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Chapman, Corwine, Gatch, Henkle, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Vanatta, Westcott and Winans —22.

Those who voted in the negative were—

Messrs. Gard and Slade—2.

So said motion prevailed.

Mr. Perkey offered for adoption the following resolution, which was agreed to:

Resolved, That Senator Shideler be added to the standing committee on Roads and Highways.

On motion of Mr. Westcott,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

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THURSDAY, FEBRUARY 17, 1859.

Prayer by the Rev. J. E. McGaw.

Mr. Hatch asked and obtained leave to record his vote on the indefinite postponement of

H. B. No. 142; For the relief of John W. Allen; and being called, voted aye.

Mr. Miles presented the petition of Ann E. Gordon and 52 others, residents of Iberia, Morrow county, praying for a change in the existing laws, so that, at the death of the husband or wife, the same laws shall govern the widow and widower in the possession and disposal of the estate, and the children of them jointly, and that the homestead exemption shall be extended to widows and widowers having no children, &c.

Referred to select committee on Woman's Rights.

Mr. Ashmun presented the remonstrance of D. G. Sanford and 52 others, residents of Summit county, remonstrating against any modification of existing laws regulating the traffic in intoxicating liquors, and especially against the repeal of the imprisonment clause in the present law.

Referred to committee on the evils resulting from the sale of intoxicating liquors.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

S. B. No. 250; For the relief of railroads in certain cases.

S. B. No. 249; To amend an act entitled "an act to establish alterations in State and county roads," passed March 25, 1854.

S. B. No. 248; To amend section five of an act entitled "an act to regulate the fees of clerks of the court of common pleas," passed May, 1854.

S. B. No. 247; To repeal sections 58, 59, 60, 61, and 62 of "an act to provide for the organization, supervision and maintenance of common schools," passed March 11, 1853.

S. B. No. 246; To make the incorporated village of Jamestown a special road district.

H. B. No. 346; To provide for the working of unfinished turnpike roads by supervisors of the highways.

H. B. No. 396; To authorize the Board of Education of the incorporated village of Newark, to borrow money, was read a second time, and referred to a select committee of one—Mr. Reid.

H. B. No. 227; To authorize the adoption of children, was read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted, yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Chapman, Corwine, Gard, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Thomas, Vanatta, Westcott, and Winans—27.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

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H. B. No. 303; To amend a certain act entitled "an act to authorize the commissioners of Hamilton county to surrender the lower river road and the extension thereof, to the creditors and bond holders of said road, was read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Chapman, Corwine, Gard, Hatch, Henkle, Holloway, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Thomas, Vanatta, Westcott, and Winans—27.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 289; To amend section 12 of an act passed February 21, 1849, for the better regulation of public schools.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No 111; Relating to the redemption and cancellation of the securities for the funded debt of counties in this State.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 376; To authorize the lessees, or their assignees, of section twenty-nine, town two, range two, between the Miami rivers, in Butler county, Ohio, to surrender their leases and receive deeds.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Mr. Phelps, from the standing committee on the Judiciary, reported back

S. B. No. 229; To amend an act in relation to the payment of costs to justices of the peace, constables, and others, out of the county treasury, and recommended that it be laid on the table, which was agreed to.

Also, the same gentleman, from the same committee, reported back

H. B. No. 362; To authorize the commissioners of Coshocton county to borrow

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money to supply the deficiency in the treasury of said county, with one amendment, which was agreed to.

The question then being on ordering said bill to be read a third time, the same was decided in the affirmative,

Said bill was then ordered to be read a third time to-morrow.

Also, S. B. No. 244; Supplementary to the act entitled "an act to provide for the settlement of the estates of deceased persons," passed March 23, 1840, with several amendments, which were agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then ordered to be read a third time to-morrow.

Mr. Langdon, from the standing committee on Corporations other than Municipal, reported back

S. B. No. 208; To amend, and supplementary to the several acts incorporating and regulating turnpike and plank road companies in this State, and the several acts amendatory thereof and supplementary thereto, with amendments, which were agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then ordered to be read a third time to-morrow.

Mr. Langdon, from the standing committee on State Buildings, reported back a resolution relative to removing seats, &c.

On motion of Mr. Canfield,

Said resolution was laid on the table.

Mr. Smith, from the standing committee on the State Library, reported back,

S. B. No. 238; To authorize the sale of surplus copies of the laws, journals, and executive documents, with one amendment, which was agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then ordered to be read a third time to-morrow.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No. 363; To authorize the county commissioners of Licking county to borrow money.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

The President laid before the Senate a communication from the Auditor of State, relative to taxes paid by counties in which the Public Works are situated; which,

On motion, was laid on the table and ordered to be printed.

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Mr. Morrow, from the standing committee on Schools and School Lands, reported back

S. B. No. 239; To authorize the Board of Education of the township of Jefferson, in the county of Mercer, and State of Ohio, to borrow money for school house purposes.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then ordered to be read a third time to-morrow.

On motion of Mr. Schleich,

The report of the Board of Public Works, on the subject of the Lewistown Reservoir, was taken from the table, and referred to the standing committee on Public Works.

Mr. Thomas asked and obtained leave to record his vote on the indefinite postponement of

H. B. No. 142; For the relief of J. W. Allen; and being called, voted "aye."

On motion of Mr. Cadwell,

The Senate resolved itself into a committee of the whole, on the special order of the day—Mr Holloway in the chair; and after some time spent therein, rose and reported back

H B. No. 8; To repeal the ten per cent. law, with an amendment, striking out all after the enacting clause.

Mr. Cadwell moved to commit said bill, with the pending amendment, to a select committee of one.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative were—

Messrs Ashmun, Cadwell, Canfield, Cantwell, Cass, Chapman, Hatch, Langdon, McKelly, Miles, Perrill, Reid, Smith, Vanatta and Westcott—15.

Those who voted in the negative were—

Messrs. Corwine, Gard, Henkle, Holloway, Kincaid, McCleary, Morrow, Murdock, Phelps, Safford, Shideler, Schleich, Slade, Thomas, and Winans—15.;

There being a tie vote, the President voted in the affirmative, and said bill was recommitted to a select committee of one—Mr. Cadwell.

Mr. Morrow, from the standing committee on Schools and School Lands, reported back the petition of John Gillespie and others, of Monroe county, asking relief in Green township, Monroe county; and asked leave to withdraw the same from the files of the Senate; which was granted.

On motion of Mr. Phelps,

The Senate resolved itself into committee of the whole—Mr. Safford in the chair; and after some time spent therein, rose and reported back

S. B. No. 246; To make the incorporated village of Jamestown a separate road district.

Referred to a select committee of one—Mr. Winans.

Mr. Cass moved a reconsideration of the vote by which

H. B. No. 8; To repeal the ten per cent. law, was committed to a select committee of one.

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Mr. Chapman demanded a call of the Senate, which was ordered, and 30 Senators answered to their names.

Mr. Schleich moved that all further proceedings under the call be dispensed with; on which motion,

The yeas and nays were demanded, and being ordered, resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Corwine, Gard, Hatch, Henkle, Holloway, Kincaid, Morrow, Murdock, Phelps, Safford, Shideler, Schleich, Slade and Thomas—15.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Chapman, Langdon, McCleary, McKelly, Miles, Perrill, Reid, Smith, Vanatta, Westcott and Winans—15.

There being a tie vote, the President of the Senate voted against all further proceedings being dispensed with.

The Sergeant-at-Arms was dispatched after the absentees.

Mr. Kincaid moved that Mr. Perkey be excused;

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Corwine, Gard, Hatch, Henkle, Holloway, Kincaid, Morrow, Murdock, Phelps, Safford, Shideler, Schleich, Slade and Thomas—15.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Chapman, Langdon, McCleary, McKelly, Miles, Perrill, Reid, Smith, Vanatta, Westcott and Winans—15.

There being a tie vote, the President of the Senate voted in the negative.

So Mr. Perkey was not excused.

Mr. Phelps moved that all further proceedings under the call be dispensed with.

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 15, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Corwine, Gard, Hatch, Henkle, Holloway, Kincaid, Morrow, Murdock, Phelps, Safford, Shideler, Schleich, Slade and Thomas—15.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Chapman, Gatch, Langdon, McCleary, McKelly, Miles, Perrill, Reid, Smith, Vanatta, Westcott and Winans—16.

So said motion did not prevail.

Mr. McCleary moved that Mr. Perkey be excused, which was agreed to.

Mr. Phelps moved that all further proceedings under the call be dispensed with; which was agreed to.

The question then recurring on the reconsideration of the vote by which said bill was recommitted,

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Mr. Schleich moved that the Senate take a recess.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Corwine, Gard, Hatch, Henkle, Holloway, Kincaid, Morrow, Murdock, Phelps, Safford, Shideler, Schleich, Slade and Thomas—15.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Chapman, Gatch, Langdon, McCleary, McKelly, Miles, Perrill, Reid, Vanatta, Westcott and Winans—15.

There being a tie vote, the President voted against the recess.

The question then being on the reconsideration of the vote,

The yeas and nays were demanded, and being ordered, resulted—yeas 15, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Corwine, Gard, Hatch, Henkle, Holloway, Kincaid, Morrow, Murock, Phelps, Safford, Shideler, Schleich, Slade and Thomas—15.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Chapman, Gatch, Langdon, McCleary, McKelly, Miles, Perrill, Reid, Smith, Vanatta, Westcott and Winans—16.

So the Senate refused to reconsider said vote.

Mr. Langdon moved that the Senate do now take a recess;

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 16, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Chapman, Gatch, Langdon, McCleary, McKelly, Miles, Perrill, Reid, Smith, Westcott and Winans—16.

Those who voted in the negative were—

Messrs. Corwine, Gard, Hatch, Henkle, Holloway, Kincaid, Morrow, Murdock, Phelps, Safford, Shideler, Schleich, Slade, Thomas and Vanatta—15.

So the Senate took a recess.

THREE O'CLOCK P. M.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 338; To authorize county commissioners to alter or change the boundaries of election precincts.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

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Mr. Winans offered for adoption the following resolution :

Resolved, That the select committee to whom was referred House bill No. 8; To repeal the ten per cent. law, passed March 14, 1850, be instructed to report an amendment striking out all after the enacting clause, and inserting the following: That the parties to any bond, bill, promissory note or other instrument of writing for the payment or forbearance of money, may stipulate therein for interest receivable upon the amount of such bond, bill, note or other instrument, at such yearly rate as may be agreed upon; provided, that no incorporated banking institution of this state shall be entitled to receive more than the rate of interest specified in its charter; or, if no rate be specified, more than six per cent. yearly upon any loan or discount whatsoever.

SEC. 2. That upon all judgments and decrees rendered upon any bond, bill, promissory note or other instrument aforesaid, interest shall be computed till payment at the rate specified in such bond, bill, note or other instrument as aforesaid; or in case no rate of interest be specified, at six per centum yearly.

SEC. 3. That the act entitled "an act to amend the act entitled 'an act fixing the rate of interest,' passed January 12, 1824, and all the other laws on that subject," passed March 14, 1850, be and the same is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after the first day of June next.

Pending which, Mr. Winans demanded a call of the Senate, which was ordered, and 29 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

On motion of Mr. McCleary,

All further proceedings under the call were dispensed with.

The question then being on agreeing to the resolution,

The yeas and nays were demanded, and being ordered, resulted—yeas 9, nays 23, as follows:

Those who voted in the affirmative were—

Messrs. Corwine, Hatch, Holloway, Kincaid, Murdock, Phelps, Schleich, Thomas and Winans—9.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Chapman, Gard, Gatch, Henkle, Langdon, McCleary, McKelly, Miles, Morrow, Perkey, Perrill, Reid, Safford, Shideler, Slade, Smith, Vanatta and Westcott—23.

So said resolution did not prevail.

Mr. Henkle offered for adoption the following resolution:

Resolved, That the select committee of one, to whom was referred House bill No. 8, be instructed to report it back with an amendment by which parties may be allowed to contract for the payment of annual interest at the rate of 8 per cent.

On which motion the yeas and nays were demanded, and being ordered, resulted —yeas 13, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Corwine, Gard, Hatch, Henkle, Kincaid, Morrow, Murdock, Phelps, Shideler, Schleich, Slade and Thomas—13.

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Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Chapman, Gatch, Holloway, Langdon, McCleary, McKelly, Miles, Perkey, Perrill, Reid, Safford, Smith, Vanatta, Westcott and Winans—19.

So said resolution did not prevail.

On motion of Mr. Cadwell,

The motion to reconsider the vote by which H. B. No. 287; To protect gas companies was lost, was taken from the table.

Said motion to reconsider was then agreed to, and said bill was referred to the standing committee on the Judiciary.

On motion of Mr. McKelly,

S. J. R. No. 62; Relative to an amendment to the constitution of the State of Ohio, was taken from the table and committed to a committee of the whole Senate, and made the special order of the day for Thursday, the 24th inst.

On motion of Mr. Winans,

H. B. No. 231; To provide for locating, establishing and constructing ditches, drains, and water courses, was taken from the table, committed to a committee of the whole Senate, and made the order of the day for this day.

On motion of Mr. Langdon,

The Senate resolved itself into a committee of the whole Senate, on the orders of the day, Mr. McKelly in the chair, and after some time spent therein, rose and reported back

S. B. No. 249; To amend an act entitled "an act to establish alterations in State and county roads," passed March 25th, 1854, with one amendment.

Referred, with the pending amendment, to the standing committee on Roads and Highways.

S. B. No. 248; To amend section 5 of an act entitled "an act to regulate the fees of clerks of the court of common pleas," passed May 1, 1854.

Referred to the standing committee on Fees and Salaries.

Mr. Schleich offered for adoption the following resolution:

Resolved, That it is unjust to prevent individuals, by the repeal of the ten per cent. law, from taking more than six per cent. interest on the loan of money while banks are, by their charters, allowed to take six per cent. interest in advance, and to charge exchange and damages, making their profits equivalent to about twelve or fourteen per cent. on loans.

Mr. McKelley moved that said resolution be laid upon the table, on which motion the yeas and nays were demanded and being ordered, resulted—yeas 17, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Chapman, Gard, Gatch, Langdon, McCleary, McKelly, Miles, Perkey, Reid, Smith, Vanatta, Westcott and Winans —17.

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Those who voted in the negative were—

Messrs. Corwine, Hatch, Henkle, Holloway, Kincaid, Morrow, Murdock, Phelps, Safford, Shideler, Schleich, Slade and Thomas—13.

So said motion prevailed.

On motion of Mr. Canfield,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

FRIDAY, February 18th, 1859.

Prayer by the Rev. Adam Miller.

Mr. Buckland presented the petition of Thomas McCaque, receiver and superintendent of Ripley & Hillsboro Turnpike Road, of Brown county, praying for the passage of the bill for a toll-gate in the village of Ripley.

Referred to the standing committee on Corporations other than Municipal.

Mr. Buckland presented the petition of A. Ligett and 240 others, residents of Ripley and vicinity, in Brown county, praying the passage of the bill to authorize the Ripley & Hillsboro Turnpike Company to erect a toll-gate within the corporate limits of Ripley.

Referred to the standing committee on Corporations other than Municipal.

The following bills were severally read a second time, committed to a committee of the whole Senate, and made the order of the day for this day:

H. B. No. 358; To authorize county commissioners to alter or change the boundaries of election precincts.

H. B. No. 363; To authorize the commissioner of Licking county to borrow money.

H B. No. 289; To amend section 12 of an act passed February 21, 1849, for the better regulation of public schools in cities, towns, &c., was read a second time, and referred to a select committee of one, Mr. Miles.

H. B. No. 376; To authorize the lessees, or their assignees, of section 29, town two, range two, between the Miami rivers, in Butler county, Ohio, to surrender their leases and receive deeds, was read a second time and referred to a select committee of one, Mr. Smith.

S B. No. 208; To amend, and supplementary to the several acts incorporating and regulating turnpike and plank road companies in this State, and the several acts amendatory thereof and supplementary thereto, was read a third time, and the question being

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Corwine, Gard, Gatch, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles,

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Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Thomas, Vanatta and Winans—31.

So said bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

S. B. No. 244; Supplementary to an act entitled "an act to provide for the settlement of estates of deceased persons," passed March 23, 1840,

Was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Holloway, Kincaid, Langdon, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta, Westcott and Winans—31.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B No 239; To authorize the Board of Education of the township of Jefferson, in the county of Mercer and State of Ohio, to borrow money for school house purposes, was read a third time.

Mr. Slade moved to amend by striking out 8 per cent. where it occurs in said bill, and inserting 6.

On which motion the yeas and nays were demanded and being ordered resulted—yeas 20, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Gatch, Green, Holloway, Langdon, McCleary, McKelly, Miles, Perkey, Perrill, Safford, Schleich, Vanatta and Westcott—20.

Those who voted in the negative were—

Messrs. Corwine, Gard, Hatch, Henkle, Morrow, Murdock, Phelps, Reid, Shideler, Slade, Thomas and Winans—12.

So said amendment was agreed to.

Mr. Green moved that the vote by which said amendment was agreed to, be reconsidered.

The same gentleman moved that said motion to reconsider be laid upon the table.

On which motion the yeas and nays were demanded and being ordered resulted—yeas 25, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Kincaid, Langdon, McKelly, Miles, Morrow, Murdock, Perkey, Phelps, Safford, Shideler, Smith, Thomas, Vanatta, Westcott and Winans—25.

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Those who voted in the negative were—

Messrs. Canfield, Henkle, Holloway, McCleary, Reid, Schleich and Slade—7.

So said motion to lay on the table prevailed.

S. B. No. 238; To authorize the sale of surplus copies of the Laws, Journals and Executive Documents,

Was read a third time, and the question being,

"Shall the bill pass."

The yeas and nays were ordered and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Henkle, Holloway, Kincaid, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Thomas, Vanatta, Westcott and Winans—31.

So said bill having received a constitutional majority was passed.

Ordered that the title be as aforesaid.

H. B. No. 362; To authorize the commissioners of Coshocton county to borrow money to supply the deficiency in the treasury of said county, was read the third time.

Mr. Winans moved to amend said bill as follows:

Insert between the words "thereof" and "an," in the fourth line of the first section, the words "not including the deficiency occasioned thereby in funds due or belonging to the State:" so that the same shall read, "that the county commissioners of Coshocton county, for the purpose of raising money to supply the deficiency in the treasury of said county occasioned by the late robbery thereof, not including the deficiency occasioned thereby in funds due or belonging to the State, are authorized to issue the bonds of the county," &c.

Mr. Langdon moved that said bill and the pending amendment be committed to a select committee of one, which was agreed to.

Mr. Langdon having declined to serve, Mr. Cass was appointed said select committee.

Message from the House of Representatives.

Mr. President:

The House has agreed to the report of the Committee of Conference upon

H. B. No. 268; to amend the code of civil procedure,

Thus agreeing to Senate amendments to said bill.

Attest: JOHN W. KERR, Clerk.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills and joint resolutions, and the same are now ready for the signature of the President of the Senate:

H. B. No. 305; An act to authorize the town council of the incorporated village of Kalida to levy taxes for the purpose of erecting suitable school houses.

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H. B. 295; To amend the act entitled "an act to fix the salaries of judges in certain cases."

H. B. No. 344; To amend section 64 of an act entitled "an act to provide for the reorganization, supervision and maintenance of common schools," passed March 14, 1853.

H. B. No. 299; To repeal an act passed April 11, 1856, entitled "an act to authorize and regulate the sale of section No. 29, and the surrender of permanent leases thereto, in the county of Gallia."

S. J. R. No. 60; Relative to claim of B. F. Dale & Co.

S. J. R. No. 63; Relative to adjustment of damages on land of Joseph Henold.

H. B. No. 365; Making a partial appropriation to meet the current expenses of the Northern Ohio Lunatic Asylum, for the year 1859.

Attest: JOHN W. KERR, Clerk.

The President then signed the foregoing bills and joint resolutions, in the presence of the Senate, as required by the constitution.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 387; To exempt from sale and execution certain property therein named.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

Mr. Morrow, from the standing committee on Schools and School Lands, reported back

H. B. No. 369; To provide for releasing ministerial and school sections in Homer township, Morgan county, and recommended its passage.

The question then being on ordering said bill to be read a third time, the same was decided in the affirmative.

Said bill was then ordered to be read the third time to-morrow.

Mr. Shideler, from the standing committee on Agriculture, reported back

H. B. No. 288; Supplementary to "an act for the encouragement of agriculture," passed February 28, 1846.

Mr. Schleich moved that said bill be indefinitely postponed.

Pending which motion, it was referred to a select committee of one—Mr. Cadwell.

Mr. Cadwell, from select committee, reported back

H. B. No. 8; To repeal the ten per cent. law, passed March 14, 1850.

The question being on the amendment of the committee of the whole, striking out all after the enacting clause,

Mr. Cadwell demanded a call of the Senate; which was ordered, and 34 Senators answered to their names.

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The question then recurring on the amendment of the committee of the whole,

The yeas and nays were ordered, and resulted, yeas 15, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Corwine, Gard, Green, Hatch, Henkle, Holloway, Kincaid, Morrow, Murdock, Phelps, Shideler, Schleich, Slade and Thomas—15.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Chapman, Gatch, Langdon, McCleary, McKelly, Miles, Perkey, Perrill, Reid, Safford, Smith, Vanatta, Westcott, and Winans—19.

So said amendment was disagreed to.

Mr. Schleich moved to amend by adding the following sections to said bill:

SEC. 3. That the lawful rate of interest for the loan or use of money, in all cases where no express contract shall have been made for a less rate, shall be six per centum per annum.

SEC. 4. That when a rate of interest for the loan or use of money, exceeding that established by law, shall have been received or contracted for, the borrower or debtor shall not be required to pay the excess over the legal rate; and it shall be lawful for such borrower or debtor, at his option, to retain and deduct such excess from the amount of any such debt; and in all cases where any borrower or debtor shall heretofore or hereafter, have voluntarily paid the whole debt or sum loaned, together with interest exceeding the lawful rate, no action to recover back any such excess shall be sustained in any court of this State, unless the same shall have been commenced within six months from and after the time of such payment; *Provided*, That nothing in this act shall affect the holders of negotiable paper taken *bona fide* in the usual course of business.

SEC. 5. The act entitled "an act to amend an act fixing the rate of interest," passed February 18, 1848, and the act entitled "an act to amend the act entitled an act fixing the rate of interest, passed January 12, 1824, and all other laws on the subject," passed March 14, 1850, be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

Mr. Henkle moved to amend the amendment by prefixing the following to the same:

And that the act entitled "an act fixing the rate of interest," passed January 12, 1824, and took effect June 1, 1824,

And the act entitled "an act to amend an act fixing the rate, of interest, passed January 12, (1844) 1824," passed February 18, 1848, and took effect March 1, 1848.

And the act entitled "an act to amend the act fixing the rate of interest, passed January 12, 1824, and all other laws on that subject," passed March 14, 1850, and took effect May 1, 1850, be and the same are hereby repealed; Provided, that the repeal of the aforesaid acts shall not be so construed as to effect any existing contract; and in all cases where any contract or obligation is silent as to the rate of interest, and all judgments and decrees resulting therefrom, or growing out of the same, or out of any account or claim in which no contract for interest exists, the rate of interest thereon shall be six per centum per annum.

Pending which,

On motion of Mr. Slade,

The Senate took a recess.

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THREE O'CLOCK, P. M.

The question then being on the amendment to the amendment,

Mr. Langdon moved a call of the Senate, which was had, and twenty-seven Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

The question then being on the amendment to the amendment,

The yeas and nays were demanded, and being ordered, resulted—yeas 8, nays 24, as follows.

Those who voted in the affirmative were—

Messrs. Corwine, Hatch, Murdock, Phelps, Schleich, Smith, Thomas and Winans—8.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Chapman, Gard, Gatch, Green, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Perkey, Perrill, Reid, Safford, Shideler, Slade, Vanatta and Westcott—24.

So said amendment did not prevail.

The question then being on agreeing to the amendment of Mr. Schleich,

The yeas and nays were demanded, and being ordered resulted—yeas 9, nays 23, as follows:

Those who voted in the affirmative were—

Messrs. Corwine, Hatch, Holloway, Murdock, Phelps, Safford, Schleich, Slade, and Thomas—9.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Chapman, Gard, Gatch, Green, Henkle, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Perkey, Perrill, Reid, Shideler, Smith, Vanatta, Westcott and Winans—23.

So said amendment did not prevail.

Mr. Slade moved to amend by adding the following:

Section 3. That from and after September 1, 1859, it shall be lawful for parties, except banks, to any bond, bill, promissory note, or other evidence of indebtedness for money actually loaned, and being in amount five hundred dollars or upwards, to contract for any rate of interest that may be agreed upon, provided that when such rate is not agreed upon the rate shall be six per cent. per annum.

On which amendment the yeas and nays were demanded, and being ordered resulted—yeas 10, nays 20, as follows:

Those who voted in the affirmative were—

Messrs Corwine, Green, Hatch, Holloway, Kincaid, Murdock, Phelps, Schleich, Slade, Smith, Thomas and Winans—10.

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Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Chapman, Gard, Gatch, Henkle, Langdon, McCleary, McKelly, Miles, Morrow, Perkey, Perrill, Reid, Safford, Shideler, Vanatta and Westcott—20.

So said amendment did not prevail.

Mr. Green moved to amend said bill as follows:

Section 3. That the parties to any bond, bill, promissory note or other instrument of writing, for the payment or forbearance of money, may stipulate therein for interest receivable upon the amount of such bond, bill, note, or other instrument, at any rate not exceeding eight per cent, yearly. Provided, however, that no incorporated banking institution of this State shall be entitled to receive more than the rate of interest specified in its charter, or if no rate be specified, more than six per cent. yearly upon any loan, or discount whatever.

On which amendment the yeas and nays were demanded, and being ordered resulted—yeas 14, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Corwine, Gard, Green, Hatch, Henkle, Kincaid, Morrow, Murdock, Phelps, Shideler, Schleich, Slade and Thomas—14.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Chapman, Gatch, Holloway, Langdon, McCleary, McKelly, Miles, Perkey, Perrill, Reid, Safford, Smith, Vanatta, Westcott, and Winans—19.

So said amendment did not prevail.

The question then being on ordering said bill to be read the third time,

Mr. Langdon demanded a call of the Senate, which was ordered, and 34 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 20, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Chapman, Gatch, Kincaid, Langdon, McCleary, McKelley, Miles, Perkey, Perrill, Reid, Safford, Smith, Vanatta, Westcott and Winans—20.

Those who voted in the negative were—

Messrs. Cass, Corwine, Gard, Green Hatch, Henkle, Holloway, Morrow, Murdock, Phelps, Shideler, Schleich, Slade and Thomas—14.

So said bill having received a constitutional majority, was passed.

Mr. Slade moved to amend the title as follows:

Strike out the title, and insert:

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A bill to increase the rates of interest, and to oppress the borrowers of money at ten per cent.

Said amendment was not agreed to.

Ordered that the title be as aforesaid.

Mr. Safford, from the joint committee of conference, to whom was referred Senate bill No. 109, relative to the early publication of the laws, and for other purposes, &c, have had the same under consideration and report the same back, and recommend that the Senate recede from its amendment to the House amendment, and in lieu thereof insert the following after the word "county," in the 20th line of section one, *viz:*

Provided, that in no case shall the same be published in two papers of the same political party."

And with such amendment they recommend the passage of the bill.

W. H. SAFFORD,
J. C. McCLEARY,
Committee of the Senate.

JOS. N. DOBMEYER,
N. H. VAN VORHES,
Committee of the House.

The question then being on agreeing to the amendment of the committee, the yeas and nays were demanded, and being ordered, resulted—yeas 21, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Chapman, Gard, Hatch, Kincaid, Langdon, McCleary, McKelly, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Schleich, Slade, Smith, Thomas, Vanatta, and Westcott—21.

Those who voted in the negative were—

Messrs. Cadwell, Canfield, Gatch, Green, Henkle, and Winans—6.

So said amendments were agreed to.

Mr. Slade moved to reconsider the vote by which said amendments were agreed to, and that that motion to reconsider be laid on the table; which motion was lost.

The question then being on the reconsideration of the vote, the same was not agreed to.

Mr. Smith, from the select committee, reported back

H. B. No. 376; To authorize the lessees, or their assigns, of section 29, township two, range two, between the Miami Rivers, in Butler county, to surrender their leases and receive deeds, without amendment.

The question then being on ordering said bill to be read a third time, the same was decided in the affirmative.

Said bill was then ordered to be read a third time to-morrow.

Mr. Winans, from select committee, reported back

S. B. No. 246; To make the incorporated village of Jamestown a separate road district.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

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Said bill was then engrossed, and ordered to be read a third time to-morrow.

The President laid before the Senate a communication from the Warden of the Ohio Penitentiary, relative to certain inquiries propounded by the Senate.

On motion, said communication was laid on the table and ordered to be printed.

On motion of Mr. McCleary,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

SATURDAY, FEBRUARY 19, 1859.

Mr. Cadwell presented the petition of Nancy Harris and 53 others; also of Wm. R. Brundage and 70 others, all men and women of Salem Centre, Ohio, relative to Woman's Rights.

Referred to the select committee on that subject.

Mr. Buckland presented the petition of J. Engler and 41 others, residents of Sandusky county, for an act providing for the opening and construction of culverts and ditches on the Maumee and Western Reserve Road, sufficient to carry off all water that may flow into them.

Referred to the standing committee on Public Works.

The following bill was read a second time, committed to a committee of the whole Senate, and made the order of the day for this day:

H. B. No. 387; To exempt from sale and execution certain property therein named.

S. B. No. 246; To make the incorporated village of Jamestown a separate road district, was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Cantwell, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, Miles, Morrow, Perkey, Perrill, Phelps, Schleich, Slade, Thomas, Vanatta, Westcott and Winans—23.

Mr. Murdock voted in the negative.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 369; To provide for releasing ministerial and school sections, in Homer township, Morgan county, was read a third time, and the question being,

"Shall the bill pass?"

On motion of Mr. Langdon,

Said bill was committed to a select committee of three—Messrs. Langdon, Green and Westcott.

H. B. No. 376; To authorize the lessees, or their assigns, of section 29, township 2, range 2, between the Miami Rivers, in Butler county, to surrender their

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leases and receive deeds, was read a third time, and referred to a select committee of three—Messrs. Langdon, Green and Wescott.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No ——; To authorize the lessees of ministerial section 29, in Salem township, Meigs county, to surrender their leases, and receive deeds.

H. B. No. 400; To amend section 14 of an act entitled "an act relating to juries," passed February 9, and took effect June 1, 1831.

Attest: JOHN W. KEES, Clerk.

Said bills were severally read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 315; To authorize the Board of Education of the special school district composed of the incorporated village of Logan, in this State, with the territory thereto annexed for school purposes, to borrow money and issue bonds for school house purposes.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Mr. Morrow, from the standing committee on Schools and School Lands, reported back

H. B. No. 316; To authorize the trustees of Jackson township in Muskingum county, to sell a certain lot in the town of Frazeesburgh, and recommended that it be referred to a select committee of one.

Which was agreed to, and Mr. Vanatta appointed said committee.

Mr. Schleich, from the standing committee on Public Works, reported back

S. J. R. No. 54; Relative to the claim of David Ross of Wood county, and recommended its passage.

The question then being on agreeing to the resolution, the same was agreed to.

Mr. Schleich, from the same committee, reported back Senate resolution relative to certain information from the acting commissioner of Board of Public Works of Division No. 1, with one amendment, as follows:

Strike out all after the word "resolved," and insert:

1st. That the Board of Public Works be requested to report to the Senate how many gaugers of water renters are in the employ of the State under said Board, by what authority they have been appointed, and the compensation paid to each.

2d. The number and names of engineers in the employ of the Board who are engaged in other employments, the kind of such other employment, and the compensation paid for the same, if within the knowledge of the Board.

3d. Whether any member of the Board now, or heretofore in office, now is, or

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has been engaged during his term of office in the service of any company or association, and if so, the name of such member, and the compensation received by him from such company or association, if within the knowledge of the Board.

Said amendment was agreed to.

Said resolution, as amended, was then agreed to.

Mr. Schleich, from the same committee, reported back

H. J R. No. 66; Relative to instructing the Attorney General to bring suit against Joseph Cable.

The question then being on agreeing to said S. J. R., the same was agreed to.

Mr. Cadwell, from select committee, reported back

H. B. No. 288; Supplementary to an act for the encouragement of agriculture, passed February 28, 1846, with one amendment.

The question then being on the indefinite postponement of said bill, the same was agreed to.

Mr. Murdock, from the standing committee on New Counties, reported back

H. B. No. 146; To provide for the removal of the seat of justice of Perry county, Ohio, from the town of New Lexington to the town of Somerset in said county, with a written report in relation to the same.

On motion, said bill was laid on the table, and the report ordered to be printed.

On motion of Mr. Winans,

Said H. B. was taken from the table, and, on motion,

Referred to a select committee of one, with instructions to report by next Thursday, the 23d inst.

Mr. Vanatta was appointed said committee.

Mr. Miles, from a select committee, reported back

H. B. No. 289; To amend section 12 of an act passed February 21, 1849, for the better regulation of public schools in cities, towns, &c., and,

On motion, said bill was referred to the standing committee on Schools and School Lands.

Mr. Green, on leave, introduced a bill:

S. B. No 257; To amend section 8 of an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed February 13, 1853,

Which was read the first time.

Mr. Henkle moved to adjourn.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 17, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Gard, Green, Hatch, Henkle, Holloway, Langdon, McKelly, Miles, Morrow, Perrill, Phelps, Slade, Thomas, Vanatta and Winans—17.

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Those who voted in the negative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Murdock and Westcott—6.

So said motion prevailed, and the Senate adjourned.

Attest: C. W. BLAIR, Clerk.

MONDAY, FEBRUARY 21, 1859.

The President directed a call of the Senate, when 18 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

The following bills were severally read a second time, committed to a committee of the whole Senate, and made the order of the day for this day:

H. B. No. 400; To amend section 14 of an act entitled "an act relating to juries," passed June 1, 1831.

S. B. No. 256; Supplementary to an act entitled "an act to provide for the re-organization, supervision, and maintenance of common schools," passed March 1, 1853.

S. B. No. 254; To amend the act entitled "an act to amend the several acts incorporating mutual fire insurance companies in the State of Ohio," passed March 7, 1841.

S. B. No. 255; To amend an act entitled "An act prescribing the duties of county auditors," passed March 23, 1840, was read a second time and referred to the standing committee on the Judiciary.

H. B. No. 403; To authorize the lessees of ministerial section 29 in Salem township, Meigs county, to surrender their leases and receive deeds, was read a second time and referred to the standing committee on the Judiciary.

H. B. No. 315; To authorize the Board of Education of the special school district composed of the incorporated village of Logan in this State, with the territory thereto annexed for school purposes, to borrow money and issue bonds for school house purposes, was read a second time and referred to a select committee of one—Mr. Schleich.

Mr. Green, on leave, introduced a bill:

S. B. No. 258; Supplementary to an act entitled an act to establish a code of civil procedure, passed March 11, 1853;

Which was read the first time.

Mr. Cantwell, on leave, introduced a bill:

S. B. No. 259; To protect the legislature and judicial departments from the corrupting influences of corporations;

Which was read the first time.

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Mr. Phelps, from a select committee, reported back

S B. No 242; To amend an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, with an amendment, which was agreed to, and said bill was referred to the standing committee on Corporations other than Municipal.

Mr. Vanatta, from the select committee on the same subject, reported back

H. B. No. 146; To provide for the removal of the seat of justice of Perry county, Ohio, from the town of New Lexington to the town of Somerset in said county, accompanied by a written report upon the same.

Said bill and report were laid upon the table and the report ordered to be printed.

Mr. Buckland, by leave of the Senate, presented the petition of J. Yonkman and 42 others, residents of Sandusky county, praying for the passage of an act providing for the opening and construction of culverts and ditches on the Maumee and Western Reserve road sufficient to carry off all water that may flow into them.

Referred to the standing committee on Public Works.

On motion of Mr. Cadwell,

The Senate resolved itself into a committee of the whole Senate on the orders of the day—Mr. Green in the chair, and after some time spent therein rose and reported back

H. B. No. 363; To authorize the commissioners of Licking county to borrow money, without amendment.

Referred to the standing committee on Finance.

H. B. No. 346; To provide for the working of unfinished turnpike roads by supervisors of the highways.

Referred to the standing committee on Roads and Highways.

H. B. No. 331; To amend "an act concerning the relation of guardian and ward," passed April 12, 1858.

Referred to the standing committee on the Judiciary.

H. B. No. 400; To amend section 14 of an act entitled "an act relating to juries," passed Feb. 9, 1831, and took effect June 1, 1831.

Referred to the standing committee on the Judiciary.

H. B. No. 389; To exempt from sale and execution certain property therein named.

Referred to a select committee of one—Mr. Miles.

H. B. No. 358; To authorize county commissioners to alter or change the bounds of election precincts, with one amendment.

Referred, with pending amendment, to the standing committee on Privileges and Elections.

S. B. No. 254; To amend the act entitled "an act to amend the several acts incorporating mutual fire insurance companies in the State of Ohio," passed March 27, 1841, with several amendments.

Referred, with the pending amendments, to the standing committee on Corporations other than Municipal.

On motion of Mr. Schleich,

The Senate took a recess.

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THREE O'CLOCK P. M.

On motion of Mr. Perkey,

A call of the Senate was had and 22 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

Message from the House of Representatives.

Mr. President:

The House concurs in Senate amendments to

H. B. No. 303; To amend a certain act entitled "an act to authorize the commissioners of Hamilton county to surrender the lower river road, and the extension thereof, to the creditors and bond holders of said road."

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 54; Relative to the claim of David Ross, of Wood county.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills, and the same are now ready for the signature of the President of the Senate:

H. B. No. 394; An act to authorize the Board of Education of the incorporated village of Woodsfield, to borrow money for school house purposes.

H. B. No. 260; To amend the 7th section of the act entitled "an act for the prevention of gaming," passed March 12, 1831, as amended by the act of April 17, 1857, entitled "an act to amend an act entitled an act more effectually to prevent gambling," passed January 17, 1846.

H. B. No. 373; For the relief of Goldsmith Coffeen.

H. B. No. 355; To authorize the trustees of Green township, in the county of Scioto, to prosecute, in their name, civil actions in certain cases relative to school lands ceded by Congress to the district of country known as "French Grant."

Attest: JOHN W. KEES, Clerk.

The President of the Senate then proceeded, in the presence of the Senate, to sign the foregoing bills, as required by the constitution.

Message from the House of Representatives.

Mr. President:

The House has passed the following preamble and joint resolution, and requests the concurrence of the Senate in the same:

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H. J. R. No. 81 ; Relative to the promotion of commander M. F. Maury.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Cadwell,

Said resolution was referred to the standing committee on Federal Relations.

On motion of Mr. Schleich,

S. B. No 153 ; "Conferring certain powers on, and prescribing certain duties of the Board of Public Works," with pending amendments, was taken from the table ; and,

On motion, was referred to the standing committee on Public Works.

Mr. Buckland offered for adoption the following resolution, which was agreed to :

Resolved, That the Board of Public Works be requested to furnish the Senate with a detailed statement of all expenditures on the Public Works during the year ending November 15, 1858, stating separately such items of repairs as the contractors, according to the terms of the contracts of November, 1855, were bound to perform. Also, how much Cooper, Shaddinger & Co. had actually expended upon Section No. 3, for the year ending November 15, 1858, at the time the Board took possession of said Section 3.

On motion of Mr. Thomas,

The memorial of the canal convention, against the sale of the public canals, was taken from the table and referred to the standing committee on Public Works.

On motion of Mr. Westcott,

The Senate resolved itself into a committee of the whole—Mr. Cadwell in the chair ; and after some time spent therein, rose and reported that they had considered and informerly passed sundry bills.

Mr. Langdon, from a select committee, reported back

H. B. No. 369 ; To provide for releasing ministerial and school sections, in Homer township, Morgan county, and recommended its passage. The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 21, nays none, as follows :

Those who voted in the affirmative were—

Messrs. Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Hatch, Henkle, Holloway, Kincaid, Langdon, McKelly, Miles, Murdock, Phelps, Schleich, Slade, Thomas, Vanatta, Westcott and Winans—21.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Langdon, from the standing committee on Corporations, other than Municipal, reported back

H. B. No. 98 ; Supplementary to the act entitled an act to encourage the organization of fire companies, passed April 3, 1857, together with a petition for the passage of the same, and recommending that said bill be indefinitely postponed, and that the petitioners have leave to withdraw said petition.

On motion, said bill and petition were referred to a select committee of one—Mr. Henkle.

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Mr. Phelps offered for adoption the following resolution, which was agreed to:

Resolved, That the standing committee on the Library be instruc'ed to inquire into the propriety of furnishing the various colleges and universities of this State with a copy of the Ohio Reports and of the laws, public documents, and reports, made to the General Assembly by the various public officers.

Mr. Langdon offered for adoption the following resolution:

Resolved, That when the Senate adjourns it shall be to meet on Wednesday, 23d of February, at 3 o'clock P. M.

On motion of Mr. Kincaid,

Said resolution was amended by striking out 3 P. M., and inserting 10 A. M.

Said resolution, as amended, was then agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed S. B. No. 225; To amend an act to provide for the execution of deeds for lands sold by the State of Ohio, and for other purposes, passed April 16, 1859.

Attest: JOHN W. KNOX, Clerk.

On motion of Mr. Kincaid.

Leave of absence was granted to the standing committee on Public Benevolent Institutions, till Thursday, the 24th inst.

On motion of Mr. Phelps,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

WEDNESDAY, FEBRUARY 23, 1859.

The President being absent, the Senate was called to order by Hon. R. P. Buckland, the oldest Senator present.

The President pro tem. directed a call of the Senate, when 25 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

On motion of Mr. Green,

It was resolved that the Senate now proceed to the election of a President pro tem.

Mr. McKelly nominated Hon. E. Phelps.

Those who voted for Mr. Phelps were—

Messrs. Ashmun, Buckland, Cantwell, Cass, Corwine, Gard, Green, Hatch, Henkle, Holloway, Kincaid, McKelly, Morrow, Murdock, Penill, Reid, Stieler, Schleich, Smith, Taylor, Vanatta, Westcott and Winans—23.

Mr. Cadwell voted for Mr. Taylor, Mr. Miles for Mr. Cadwell, and Mr. Phelps for Mr. Smith.

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Mr. Phelps having received a majority of all the votes cast, was declared duly elected President pro tem., and having taken the oath of office, administered by James Williams, Esq., Notary Public for Franklin county, entered at once upon the discharge of his duties.

Prayer by the Rev. Mr. Connell.

Mr. Taylor asked leave to record his vote on H. B. No. 8; For the repeal of the ten per cent. law, and being called, voted aye.

Mr. Shideler presented the memorial of D. Richmond & Co., asking action upon a claim against the State for work done to Lunatic Asylum.

Which was read at the clerk's desk, and referred to the standing committee on Claims.

Mr. Shideler presented the petition of J. H. Hoffman and 36 others of Montgomery county, asking a law to be passed preventing pigs under six months old from running at large.

Referred to the standing committee on Agriculture.

Mr. McKelly presented the petition of C. Berry, jr., and 75 others of Wyandot county, asking that property of benevolent institutions be exempt from taxation.

Referred to the standing committee on Finance.

Mr. Perrill presented the petition of William Umstead and 125 other petitioners of Pickaway county, asking for an amendment to the school law.

Referred to the standing committee on Schools and School Lands.

S. B. No. 252; To provide for the redemption of lands sold for taxes,

Was read a second time and referred to the select committee on the Revision of the Tax Law.

S. B. No 253; To enable the proprietors of the Ohio White Sulphur Springs, or other association of persons for the improvement of the mineral springs of Ohio, to become a body corporate,

Was read a second time and referred to the standing committee on Corporations other than Municipal.

S B. No 257; To amend section 8 of an act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed February 13, 1853,

Was read a second time and committed to a committee of the whole Senate, and made the order of the day for this day.

S. B No. 259; To protect the legislative and judicial departments of the State from the corrupting influences of corporations,

Was read the second time and committed to the same committee.

Mr. Schleich, on leave, introduced a bill:

S. B. No. 260; Fixing the rate of interest.

Which was read the first time.

Mr. Winans, on leave, introduced a bill:

S. B. No 261; To amend the operation of an act entitled "an act to repeal the ten per cent. law," passed March 14, 1850, passed February —, 1859, and to re-

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peal the act entitled "an act fixing the rate of interest," passed January 12, 1824, passed February, 18, 1848.

Which was read the first time.

Mr. Winans, on leave, introduced a bill:

S. B. No. 262; Supplementary to an act entitled an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money, passed April 13, 1852.

Which was read the first time.

Mr. Reid, from the standing committee on the Judiciary, reported back

H. B. No 366; To provide for taxing in cost bills the expenses of procuring transcripts and records,

And recommended its passage.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Corwine, Gard, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McKelly, Miles, Murdock, Perrill, Phelps, Reid, Shideler, Schleich, Smith, Taylor, Vanatta, Westcott and Winans—27.

So said bill, having received a constitutional majority, was passed.

Mr. Schleich moved to amend the title by striking out the same, and inserting the following: "To amend the 527th section of the code of civil procedure;"

Which was agreed to.

The title of the bill, as amended, was then agreed to.

Mr. Cadwell, from the same committee, reported back

H B. No. 33; To amend an act concerning the relation of guardian and ward, passed April 12, 1858.

On motion of Mr. Green,

Said bill was referred to a select committee of three—Messrs. Green, Winans and Reid.

Mr. Westcott, from the standing committee on Claims, reported back the memorial of Charles Rule, relative to a claim against the State, accompanied by a written report upon the subject.

On motion, said report was laid on the table and ordered to be printed.

Mr. Reid, from the standing committee on the Judiciary, reported back

H. B. No. 400; To amend section 14 of an act entitled "an act relating to juries," passed Feb. 9, 1831, and took effect June 1, 1831.

The question then being on ordering said bill to be read a third time, the same was decided in the affirmative.

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Said bill was then ordered to be read a third time now.

Said bill was then read a third time and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Corwine, Gard, Green, Hatch, Holloway, Langdon, McKelly, Morrow, Murdock, Phelps, Reid, Shideler, Schleich, Slade, Smith, Taylor, Vanatta, Westcott and Winans—23.

Those who voted in the negative were—

Messrs. Henkle and Miles—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Schleich, from the select committee on the subject, reported back

H. B. No. 315; To authorize the Board of Education of the special school district composed of the incorporated village of Logan in this State, with the territory thereto annexed for school purposes, to borrow money and issue bonds for school house purposes.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were demanded, and being ordered, resulted—yeas 20, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Corwine, Gard, Green, Hatch, Henkle, McKelly, Morrow, Murdock, Phelps, Reid, Schleich, Slade, Smith, Taylor, Vanatta, Westcott and Winans—20.

Those who voted in the negative were—

Messrs. Canfield, Holloway, Langdon and Miles—4.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Reid, from a select committee, reported back

H. B. No. 396; To authorize the Board of Education of the incorporated village of Newark to borrow money.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time and the question being,

"Shall the bill pass?"

Mr. Slade moved to amend said bill by striking out in said bill wherever it occurs, "8 per cent." and inserting "6 per cent."

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On which motion, the yeas and nays were demanded, and being ordered resulted—yeas 10, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Corwine, Holloway, Smith, Taylor and Westcott—10.

Those who voted in the negative were—

Messrs. Cass, Gard, Green, Hatch, Henkle, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Shideler, Slade and Winans—15.

So said amendment did not prevail.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 22, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cass, Corwine, Gard, Green, Hatch, Henkle, Kincaid, McKelly, Morrow, Murdock, Perrill, Phelps, Reid, Shideler, Schleich, Slade, Smith, Taylor, Westcott and Winans—22.

Those who voted in the negative were—

Messrs. Cadwell, Holloway and Miles—3.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Hatch, from a select committee, reported back

H. B. No. 343; To authorize the commissioners of Hamilton county to surrender the Cumminsville and Clifton turnpike road to the creditors and bond holders thereof.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 28, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Corwine, Gard, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Shideler, Schleich, Slade, Smith, Taylor, Vanatta, Westcott and Winans—28.

Mr. Cadwell voted in the negative.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Langdon,

The Senate took a recess.

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THREE O'CLOCK P. M.

On motion of Mr. Miles,

A call of the Senate was had, and 22 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

On motion of Mr. Reid,

A message was sent to the House requesting the return of

H. B. No. 366; To provide for taxing in cost bills the expenses of transcripts and records.

Mr. Cantwell, from the standing committee on Militia, offered for adoption the following resolution:

S. J. R. No. 68; To provide for the collection and preservation of colors and military trophies used and acquired by the militia of Ohio in actual service.

Resolved by the General Assembly of the State of Ohio, That the adjutant-general be directed, so far as practicable, to collect and to preserve in his office in the State House, all colors, military trophies and the relics connected with the service of the militia of Ohio in the war of 1812, the Indian wars, and the war with Mexico; and that the receipt therefor to the parties contributing, or donating the same, and cause each collection to be labeled with the name of the donor and the field of service in which it was used.

On which resolution the yeas and nays were ordered and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Gatch, Green, Hatch, Holloway, Kincaid, Miles, Morrow, Murdock, Phelps, Reid, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—23.

So said resolution was agreed to.

Mr. Cantwell, from the same committee, offered for adoption the following resolution:

S. J. R. No. 69; To provide for the authentication of claims of citizens of Ohio against the General Government for services rendered in the war of 1812.

Resolved by the General Assembly of the State of Ohio, That the Adjutant-General be directed, as far as practicable, to collect and preserve on file in his office at the State House, the muster rolls, pay sheets and other documentary papers relating to the war of 1812, and the Indian wars, and that whenever he shall find evidence of the service of Ohio volunteers, which service has not been requited by the General Government, that he shall advertise a list thereof for the benefit of the parties interested, and forward the same to the proper authorities at Washington.

On which resolution the yeas and nays were ordered, and resulted—yeas 23, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Corwine, Gatch, Green, Hatch, Kincaid, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Shideler, Schleich, Slade, Smith, Taylor, Vanatta and Westcott—23.

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Those who voted in the negative were—

Messrs. Henkle, Holloway, McKelly, Thomas and Winans—5.

So said resolution was agreed to.

Mr. Cantwell, from the same committee, introduced a bill,

S. B. No. 263; To provide for the building of a State Arsenal,

Which was read the first time.

Mr. Henkle, on leave, introduced a bill,

S. B. No. 264; To amend an act entitled an act to provide for the organization of cities and incorporated villages," passed May 3, 1852,

Which was read the first time.

On motion of Mr. Green,

The Senate resolved itself into a committee of the Whole, on the orders of the day, Mr. Green in the chair; and after some time spent therein, rose and reported back

S. B. No. 176; Supplementary to an act entitled an act for the punishment of crimes, passed March 7, 1835, with one amendment, which was agreed to.

Mr. Winans moved to amend as follows:

Strike out all after the enacting clause, and insert: "That if any person shall purposely, and of deliberate and premeditated malice, or purposely and maliciously, but without deliberation and premeditation, or in the perpetration or attempt to perpetrate any rape, arson, robbery or burglary, or by administering poison, or causing the same to be done, kill another; every such person shall be deemed guilty of murder, and upon conviction thereof, shall be imprisoned in the Penitentiary, and kept at hard labor during life.

SEC 2. That in all trials for murder, the jury before whom such trial is had, if they find the prisoner guilty thereof, shall ascertain in their verdict whether it be murder or manslaughter; and if such person be convicted by confession, in open court, the court shall proceed by examination of witnesses, in open court, to determine the degree of the crime, and shall pronounce sentence accordingly.

SEC. 3. That the first, second, thirty-ninth and fortieth sections of the act entitled "an act providing for the punishment of crimes," passed March 7, 1835, and the act entitled "an act to abolish public executions," passed March 12, 1844, be and the same are hereby repealed.

SEC. 4. This act shall be in force from and after its passage.

On which motion the yeas and nays were demanded, and being ordered, resulted —yeas 12, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Cantwell, Green, Henkle, Holloway, Morrow, Murdock, Smith, Taylor, Thomas, Vanatta and Winans—12.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Gard, Gatch, Hatch, Kincaid, Langdon, McKelly, Miles, Perrill, Phelps, Reid, Schleich, Slade and Westcott—15.

So said amendment did not prevail.

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On motion of Mr. Green,

Said bill was referred to the standing committee on the Judiciary.

S B. No 205; To amend the act entitled "an act to amend the act entitled an act fixing the rate of interest," passed January 12, 1824, and all other laws on that subject, passed March 14, 1850.

On motion, said bill was indefinitely postponed.

On motion of Mr. Green,

The committee of the Whole was discharged from the further consideration of

S. B. No 241; To extend the time of payment for school section 16, Ludlow township, Washington county,

And said bill was referred to the committee on Schools and School Lands.

Mr Taylor offered for adoption the following resolution, which was agreed to:

Resolved, That the Auditor of State be requested to communicate to the Senate the cost of translating public documents into the German language, and printing the same, including the agricultural report, and also the paper furnished by the State, under resolutions of the General Assembly for the year 1858.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 352; To authorize the trustees of Boston township, Summit county, to levy a tax for a special purpose therein named.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

On motion of Mr. Green,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

THURSDAY, FEBRUARY 24, 1859.

Prayer by Rev. Mr. Connell.

Mr. Cadwell presented the petition of Wm. Swift and 33 others, tax payers of Lake county, asking that the offices of Recorder and of Treasurer of county be abolished, and that the clerk and auditor perform the duties of those offices, and that the per diem of members of the Legislature be reduced to two dollars.

Referred to the standing committee on Retrenchment.

Mr. Cass presented the petition of W. G. McFarland and numerous others, together with the statement and affidavit of the treasurer of Coshocton county, relative to the Coshocton county robbery.

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Referred to a select committee of five—Messrs. Cass, Phelps, Winans, Taylor and Langdon.

Mr. Hatch presented the petition of C. B. Ferguson and 188 others, of Columbiana township, Hamilton county, praying that a special election precinct be established in said township.

Referred to the standing committee on Privileges and Elections.

H. B. No 352; To authorize the trustees of Boston township, Summit county, to levy a tax for a special purpose therein named, was read a second time and committed to a committee of the whole Senate, and made the order of the day for this day.

S. B. No. 258; Supplementary to an act entitled "an act to establish a code of civil procedure," passed March 11, 1853, was read a second time, and referred to the standing committee on the Judiciary.

S. B. No 251; To provide for the sale of lands for non-payment of taxes, was read a second time, and referred to the select committee on the revision of the tax law.

Mr. Hatch, from the standing committee on Finance, reported back

S. B. No. 197; To provide for the renewal, and to regulate the final payment of the funded debt of the State, with one amendment.

On motion, said bill, with the pending amendment, was laid on the table and ordered to be printed.

Mr. Morrow, from the standing committee on Schools and School Lands, reported back

H. B. No. 289; To amend section 12 of an act passed February 21, 1849, for the better regulation of public schools, in cities, towns, &c.

On motion, said bill was indefinitely postponed.

Mr. Schleich—the rules being suspended for that purpose—offered for adoption the following resolution:

Resolved, That the Board of Public Works report to the Senate,

1st. The amount of expenditure upon the Public Works in the year 1857, classifying their statements so as to show,

First, how much was expended in such repairs as would, by the terms of the contracts, have been required to be done by the contractors, had the contracts for the repairs of the canals been still in existence; and,

Second, how much in addition thereto was necessarily expended, and which would not have fallen within the terms of the contracts, in order to preserve the canals in good navigable condition, and maintain the organization of the Board of Public Works.

2d. The expenditure for the year 1858, classified in the same manner as required for the year 1857.

On motion of Mr. Taylor,

Said resolution was referred to a select committee of one—Mr. Taylor.

Mr. Thomas, from the standing committee on Municipal Corporations, reported back

H. B. No. 322; To amend section 54 of the act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

On motion of Mr. Langdon,

Said bill was referred to the standing committee on the Judiciary.

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Mr. Langdon, from the standing committee on Corporations other than Municipal, reported back

S. B. No. 104; to amend the 77th section of an act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, and recommended its indefinite postponement.

On motion of Mr. Slade,

Said bill was laid on the table.

Mr. Langdon, from the same committee, reported back

S. B. No. 254; To amend the act entitled "an act to amend the several acts incorporating mutual fire insurance companies in the State of Ohio," passed March 27, 1841, with several amendments; which were agreed to.

Said bill was then ordered to be engrossed and read the third time to-morrow.

Mr. Taylor, from a select committee, reported back the resolution of inquiry relative to the canal contracts, with one amendment, as follows: Add at the end of the resolution the following:

3d. That the Board of Public Works also communicate to the Senate,

First, the amount appropriated for each division of the Public Works, for the year ending November 15, 1858.

Second, the amount of expenditures on each division, stating separately the amount paid, and the amount remaining unpaid, for the same year.

Said amendment was agreed to.

The resolution, as amended, was then agreed to.

Mr. Corwine, from a select committee, reported back

H. B. No. 324; To authorize the commissioners of Scioto county to purchase grounds and to provide for the erection of a county jail, with amendments; which were agreed to.

Said bill was then ordered to be read a third time to-morrow.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 198; To amend section 165 of an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853; and

S. B. No. 235; Further to provide for the care and distribution of the public arms.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has concurred in Senate amendments to

H. B. No. 307; To authorize the commissioners of Franklin county to sell the Infirmary Farm of said county, and to provide for the erection of a county jail in said county.

Attest: JOHN W. KEES, Clerk.

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Mr. Reid, on leave, introduced a bill:

S. B. No. 265; Supplementary to the act "to provide for the organization of cities and incorporated villages," passed May 3, 1852;

Which was read the first time.

On motion of Mr. Morrow,

S. B. No. 66; To establish the Ohio Normal School, was taken from the table.

On motion, said bill was referred to the standing committee on Schools and School Lands.

On motion of Mr. Smith,

H. B. No. 147; To fix the compensation of county commissioners, was taken from the table.

On motion of Mr. Smith,

Said bill was referred to a select committee of one—Mr. Smith.

On motion of Mr. Henkle,

The Senate resolved itself into a committee of the whole, on the orders of the day, Mr. Green in the chair, and after some time spent therein, rose, and reported that they had under consideration

S. B. No. 247; To repeal sections 58, 59, 60, 61 and 62, of "an act to provide for the organization, supervision, and maintenance of common schools," passed March 11, 1853, had progressed therein, asked and obtained leave to sit again.

On motion of Mr. Langdon,

Senate resolutions relative to instructing the standing committees to report a bill to amend the act providing for the reorganization, supervision, and maintenance of common schools, was taken from the table.

On motion, said resolutions were committed to a committee of the whole Senate, and made the special order of the day for this day, immediately after the consideration of S. B. No. 247; To repeal sections 58, 59, 60, 61 and 62, of "an act to provide for the organization, supervision, and maintenance of common schools," passed March 11, 1853.

On motion of Mr. Morrow,

The Senate took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Phelps,

A call of the Senate was had, and 27 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

Mr. Westcott asked and obtained leave of absence for the standing committee on Claims.

On motion of Mr. Gard,

H. B. No. 146; To provide for the removal of the seat of justice of Perry county, Ohio, from the town of New Lexington to the town of Somerset in said county, was taken from the table.

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On motion of Mr. Henkle,

Said bill was recommitted to the committee of the whole Senate, and made the order of this day.

On motion of Mr. Westcott,

The Senate resolved itself into a committee of the whole, on the orders of the day, Mr. Green in the chair, and after some time spent therein, rose, and reported back

S. B. No. 256; Supplementary to an act entitled "an act to provide for the re-organization, supervision, and maintenance of common schools," passed March 1, 1853, with one amendment, which was agreed to.

Said bill was then referred to the standing committee on Schools and School Lands.

Message from the House of Representatives.

Mr. President:

The House has indefinitely postponed

S. J. R. No. 12; Relative to furnishing arms to Urbana University; and

S. J. R. No. 13; Relative to furnishing arms to Ohio Military Institute at Chillicothe, Ohio.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House accedes to the request of the Senate for the return of

H. B. No. 366; To provide for taxing in cost bills the expense of procuring transcripts and records.

An error having occurred in the engrossment of the bill as sent to the Senate, a correct copy, as it passed the House, is herewith enclosed.

Attest: JOHN W. KEES, Clerk.

Said corrected bill was then read the first time.

On motion of Mr. Phelps,

The Senate went into executive session.

The lobby and chamber being cleared of spectators, Mr. Phelps from the standing committee on Executive Nominations reported back the nomination of Wm. A. Moore to be register of the Virginia Military School Lands at Mansfield.

Those who voted in favor of the confirmation of said nomination were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—34.

So the Senate advised and consented to the nomination of Wm. A. Moore to be register of the Virginia Military School Lands.

The same gentleman, from the same committee, reported back the nomination of George E Howe, of Lake county, to be acting commissioner of Reform Schools, vice Charles Reemelin, resigned.

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Those who voted in favor of the confirmation of said nomination were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—34.

So the Senate advised and consented to the nomination of George E. Howe, of Lake county, to be acting commissioner of Reform Schools.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 428; Appropriating money for the repair of existing breaches on the south division of the Ohio canal.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

On motion of Mr. Schleich,

The constitutional rule was suspended and said bill was read the second time.

On motion of Mr. Schleich,

Said bill was amended by striking out "two thousand" and inserting "three thousand three hundred."

Said bill was then ordered to be read the third time.

On motion of Mr. Schleich,

The constitutional rule was suspended and said bill was ordered to its third reading now.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 32, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—32.

Those who voted in the negative were—

Messrs. McCleary and Morrow—2.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Cantwell, on leave, introduced a bill:

S. B. No. 266; To amend the act entitled "an act to incorporate the Franklin and Warren railroad company.

Said bill was read the first time.

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Mr. Kincaid, on leave, introduced a bill:

S. B. No. 267; To authorize the incorporated village of New Richmond, in Clermont county, to borrow money and erect a town hall in said village.

Said bill was read the first time.

On motion of Mr. Canfield,

S. B. No. 221; To provide for a geological and mineralogical survey of the State was made the special order of the day in committee of the Whole for Tuesday, 1st of March.

On motion of Mr. McCleary,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

FRIDAY, FEBRUARY 25, 1859.

Prayer by the Rev. Mr. Connell.

Mr. Kincaid presented the petition of S. P. Tweed and 116 others, residents of Ripley and vicinity, Brown county, remonstrating against the passage of Senate bill No. 230, for the erection of a toll gate within the corporate limits of the village of Ripley, Brown county.

Referred to the standing committee on Corporations other than Municipal.

Mr. Kincaid presented the petition of P. T. Phillips and 100 others, residents of Ripley and vicinity, Brown county, remonstrating against the passage of Senate bill No. 230, for the erection of a toll gate within the corporate limits of the village of Ripley, Brown county.

Referred to the standing committee on Corporations other than Municipal.

Mr. Kin id presented the petition and action of the town council of the incorporated village of Ripley, remonstrating against the passage of a law to erect a toll gate within the corporate limits of said town.

Referred to the standing committee on Corporations other than Municipal.

Mr. Cass presented the petition of Thomas Platt and 36 others, of J. G. Smith and 98 others, citizens of Coshocton county, relative to the Coshocton county robbery.

Referred to the select committee on that subject.

Mr. Canfield presented the petition of John Codding and 108 others, residents of Medina county, remonstrating against the repeal of existing laws in relation to the sale of intoxicating liquors, and against the renewal of the license system; also the petition of W. C. Rynold and 33 others, upon same subject.

Referred to committee on the evils resulting from sale of Intoxicating Liquors.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

H. B. No. 366; To provide for taxing in cost bills the expenses of procuring transcripts and records.

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S. B. No. 263; To appropriate the proceeds of the sale of old arms heretofore collected, to the purchase of a site and the erection of the State Arsenal thereon.

S. B. No. 262; Supplementary to an act entitled "an act for the assessment and taxation of all property in the State, and for levying taxes thereon according to its true value in money," passed April 13, 1852.

S. B. No. 261; To limit the operation of an act entitled "an act to repeal the ten per cent. law," passed March 14, 1850, passed February —, 1859, and to repeal the law entitled "an act fixing the rate of interest," passed January 12, 1824, passed February 14, 1848.

S. B. No. 260; Fixing the rate of interest.

S. B. No. 237; To amend section 417 of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853,

Was read a second time, and referred to the standing committee on the Judiciary.

S. B. No. 254; To amend the act entitled "an act to amend the several acts incorporating mutual fire insurance companies in the State of Ohio," passed March 27, 1841, was read a third time.

And the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted, yeas 26, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Schleich, Taylor, Thomas and Vanatta—26.

Mr. Slade voted in the negative.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 324; To authorize the commissioners of Scioto county to purchase ground and to provide for the erection of a county jail, was read a third time;

And the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Schleich, Slade, Smith, Taylor, Thomas and Vanatta—30.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The Speaker of the House has signed the following enrolled bills, and the same are now ready for the signature of the President of the Senate:

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H. B. No. 268; An act supplementary to the act fixing the fees of sheriffs and constables.

H. B. No. 303; To amend a certain act entitled "an act to authorize the commissioners of Hamilton county to surrender the lower river road and the extension thereof, to the creditors and bond holders of said road."

H. B. No. 8; To repeal the ten per cent. law, passed March 14, 1850.

H. B. No. 369; To provide for releasing ministerial school sections, in Homer township, Morgan county.

H. B. No. 400; To amend section 14 of an act entitled "an act relating to juries," passed February 9, 1831, and took effect June 1, 1831.

S. B. No. 7; For the punishment of certain offenses therein named.

Attest: JOHN W. KERR, Clerk.

The President of the Senate then signed the foregoing bills, in the presence of the Senate, as required by the constitution.

Mr. Hatch, from the standing committee on Finance, reported back

H. B. No. 363; To authorize the commissioners of Licking county to borrow money.

Said bill was then ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 26, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Kincaid, Langdon, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Schleich, Slade, Taylor, Thomas and Vanatta—26.

Those who voted in the negative were—

Messrs. Holloway and McCleary—2.

So, said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Langdon, from the standing committee on Corporations other than Municipal, reported back

S. B. No. 242; To amend section one of the act entitled "an act to amend section 66 of an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed March 4, 1858.

Said bill was ordered to be engrossed, and read the third time to-morrow.

Mr. Phelps, from the Judiciary committee, reported back

H. B. No. 322; To amend section 54 of the act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

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Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Schleich, Slade, Smith, Taylor, Thomas and Vanatta—27.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Miles, from a select committee, reported back

H. B. No. 387; To exempt from sale and execution certain property therein named, with an amendment; which was agreed to.

Said bill was then referred to the standing committee on the Judiciary.

On motion of Mr. Phelps,

S. B. No. 239; To authorize the Board of Education of the township of Jefferson, in the county of Mercer, and State of Ohio, to borrow money for school house purposes, was taken from the table.

The question then being on reconsidering the vote on the amendment of Mr. Slade to said bill,

Mr. Slade withdrew his amendment.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 23, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cass, Chapman, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Schleich, Slade, Smith, Taylor, Thomas, Vanatta and Winans—23.

Those who voted in the negative were—

Messrs. Buckland, Canfield, Holloway and McKelly—4.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Slade offered for adoption the following joint resolution:

Senate Joint Resolution relative to a *sine die* adjournment.

Resolved by the General Assembly of the State of Ohio, That this General Assembly adjourn *sine die* on Monday, March 14, 1859, at twelve o'clock P. M.

Mr. Langdon moved to refer said resolution to the select committee on that subject,

Pending which, Mr. Slade demanded a call of the Senate, which was ordered, and 32 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

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The question then being on referring said resolution to the select committee,

The yeas and nays were demanded, and being ordered, resulted—yeas 22, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Chapman, Corwine, Hatch, Henkle, Holloway, Kincaid, Langdon, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Schleich, Smith, Taylor, Thomas, Vanatta and Winans—22.

Those who voted in the negative were—

Messrs. Buckland, Cadwell, Canfield, Gard, Gatch, Green, McCleary, McKelly, Miles and Slade—10.

So said resolution was referred to the select committee on that subject.

On motion of Mr. Holloway,

H. B. No. 143; Providing for the sale of certain public works of the State of Ohio, was taken from the table.

On motion, said bill was referred to a select committee of one—Mr. Holloway.

Mr. Henkle moved to reconsider the vote by which

H. B. No. 289; To amend section 12 of an act passed February 21, 1849, for the better regulation of public schools in cities, towns, &c., and that that motion to reconsider be laid on the table, which was agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed S. J. R. No. 68; To provide for the collection and preservation of colors and military trophies, etc., by the Adjutant General,

With an amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

Said amendment was agreed to.

Message from the House of Representatives.

Mr. President:

The House has indefinitely postponed S. B. No. 189; To amend section 36 of an act entitled an act providing for the punishment of crimes, passed March 7, 1835.

Attest: JOHN W. KERR, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 69; To provide for the authentication of claims of citizens of Ohio against the General Government for service rendered in the year 1812.

Attest: JOHN W. KERR, Clerk.

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Message from the House of Representatives.

Mr. President:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested :

H. J. R. No. 80 ; Relative to an examination of the Terrace on the east side of the Capitol.

Attest: JOHN W. KERR, Clerk.

On motion, said resolution was referred to the committee on State Buildings.

On motion of Mr. Winans,

The Senate took a recess.

THREE O'CLOCK P. M.

On motion of Mr. McKelly,

The committee of the whole was discharged from the further consideration of S. J. R. No, 62 ; Relative to an amendment to the constitution.

Mr. McKelly moved to refer said resolution to the standing committee on the Judiciary, pending which,

Mr. Taylor moved to amend the resolution by the following as a substitute:

Resolved by the General Assembly of the State of Ohio, Three-fifths of the members elected to each House concurring therein, that it be and hereby is proposed to the electors of this State, to vote, on the second Tuesday of October next, upon the approval or rejection of the following amendment as a substitute for the fifth and sixth sections of the fourth article of the constitution, viz :

SEC. 5. District courts shall be held in each county at least once in each year, by one or more district judges elected by the electors of separate districts, to be prescribed by law, who shall hold their office for five years, and during their continuance in office, shall reside in the district for which they are elected. The provisions of the fourteenth section of this article shall apply to district judges. The General Assembly may, by law, authorize the judges of the district court, and of the courts of common pleas, to fix the times of holding their respective courts. Until district judges shall have been elected and qualified, district courts shall be held by the judges of the supreme court, and of the courts of common pleas, as now authorized.

SEC. 6. The district court shall have such jurisdiction as may be provided by law, and the judges thereof shall have, and exercise such power and jurisdiction at chambers, and may be required to sit as judges of the courts of common pleas as shall be directed by law.

On motion of Mr. McKelly,

Said resolution with the pending amendment was laid on the table, and the amendment ordered to be printed, and said resolution was made the special order of the day for Thursday, the 2d of March, 1859.

On motion of Mr. Smith,

The Senate resolved itself into a committee of the whole on the orders of the day, Mr. Green in the chair ; and after some time spent therein, rose and reported

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that they had had under consideration sundry bills, had progressed therein, and asked and obtained leave to sit again.

Mr. Schleich, from the standing committee on Public Works, to which was referred

S. B. No. 153; Conferring certain powers on, and prescribing certain duties of the Board of Public Works, with the pending amendments, reported the same back with amendments, which were agreed to.

The amendments, as amended, were then agreed to.

Said bill was then ordered to be engrossed and read the third time to-morrow.

Mr. Corwine asked and obtained leave of absence until next Thursday.

Mr. Green asked and obtained leave of absence until some time next week.

Mr. Perkey asked and obtained leave of absence until next Tuesday.

On motion of Mr. Langdon,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

SATURDAY, FEBRUARY 26, 1859.

The President directed a call of the Senate, when 23 Senators answered to their names.

On motion,

All further proceedings under the call were dispensed with.

Mr. Winans presented the petition of Marietta Harrington and 142 others, residents of Greene county, praying that action may be taken to amend the constitution so that the right of suffrage shall be conferred upon women.

Referred to the select committee on Woman's Rights.

Mr Cadwell presented the petition of Mrs. J. B. Upham and 90 others, men and women, of Parkham, Geauga county; of Mrs. Luthe Noyes and 180 others, men and women, of Austinburgh, Ashtabula county, on the subject of woman's rights.

Referred to the select committee on that subject.

Mr. Kincaid presented the petition of T. S. Salesbury and 25 others, residents of Ripley and vicinity, Brown county, remonstrating against the passage of

S. B. No. 230; For the erection of a toll gate within the corporate limits of the village of Ripley, Brown county.

Referred to standing committee on Corporations other than Municipal.

Mr. Winans presented the petition of Marietta Harrington and 213 others, men and women, of Greene county, praying that the property of married women be secured to them, and that they be placed upon a platform of property equality with their husbands, &c.

Referred to the select committee on Woman's Rights.

The following bills were severally read a second time, committed to a committee of the whole Senate and made the order of the day for this day.

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S. B. No. 266; To amend the act entitled "an act to incorporate the Franklin and Warren Railroad Company."

S. B. No. 265; Supplementary to the "act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

S B. No. 242; To amend section 1 of the act entitled an act to amend section 66 of an act entitled an act to provide for the creation and regulation of incorporated companies in this State, passed March 4, 1858,

Was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs Buckland, Cadwell, Canfield, Chapman, Gatch, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Slade, Taylor, Thomas, Vanatta and Winans—24.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 153; Conferring certain powers on, and prescribing certain duties of the Board of Public Works,

Was read a third time, and the question being,

"Shall the bill pass?"

On motion of Mr. Phelps,

Said bill was referred to the standing committee on the Judiciary.

Message from the House of Representatives.

Mr. President:

The House concurs in Senate amendments to

H. B. No. 428; Appropriating money for the repair of existing breaches on the south division of the Ohio Canal.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has indefinitely postponed

S. B. No. 172; To amend the 14th section of the act entitled "an act to organize and discipline the militia and volunteer militia," passed March 30, 1857.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 216; Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852.

Attest: JOHN W. KEES, Clerk.

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Mr. Henkle, on leave, introduced a bill:

S. B. No. 268; To provide for the removal of obstructions from turnpike or plank roads;

Which was read the first time.

Mr. Morrow, from the Standing committee on Schools and School Lands, reported back the petitions of sundry persons asking amendments to the school law, and recommended that they be referred to the committee of the whole Senate;

Which was agreed to.

Also, from the same committee,

S. B. No. 241; To extend the time of payment for school section 16, Ludlow township, Washington county, Ohio.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk and ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Canfield, Chapman, Gatch, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Slade, Smith, Taylor, Thomas, Vanatta and Winans—24.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Morrow, from the same committee, reported back

S. B. No. 66; To establish the Ohio Normal School.

Mr. Canfield moved that said bill be indefinitely postponed,

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Canfield, Chapman, Gatch, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Slade, Smith, Taylor, Thomas, Vanatta and Winans—25.

So said motion prevailed, and said bill was indefinitely postponed.

Mr. Canfield, from the same committee, reported back

S. B. No. 256; Supplementary to an act entitled "an act to provide for the reorganization, supervision and maintenance of common schools," passed May 3, 1853, with amendments, which were agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk and ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

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The yeas and nays were ordered and resulted—yeas 14, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Canfield, Cass, Gatch, Kincaid, Miles, Morrow, Phelps, Reid, Slade, Smith, Thomas, Vanatta and Winans—14.

Those who voted in the negative were—

Messrs. Cadwell, Chapman, Hatch, Henkle, Holloway, Langdon, McCleary, Murdock, Perrill, Safford, Shideler and Taylor—12.

So said bill not having received a constitutional majority, was lost.

Mr. Reid, from a majority of the standing committee on Corporations other than Municipal, reported back

S. B. No. 253; To enable the proprietors of the Ohio White Sulphur Springs and other association of persons for the improvement of the mineral springs of Ohio, to become a body corporate, with amendments, which were agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk and ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 23, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Canfield, Cass, Chapman, Gatch, Hatch, Henkle, Holloway, Kincaid, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Slade, Smith, Taylor, Thomas, Vanatta and Winans—23.

Those who voted in the negative were—

Messrs. Langdon and McCleary.

So said bill having received a constitutional majority, was passed.

Mr. Reid moved to amend the title as follows: strike out the same and insert, "to enable associations of persons for the improvement of any mineral or medicinal spring or springs in Ohio, to become bodies corporate."

Which was agreed to.

The title of the bill as amended was then agreed to.

Mr. Phelps, from the standing committee on the judiciary, reported back

H. B. No. 381; To authorize courts to give effect to the intention of parties and officers by curing defects, omissions and errors in instruments and proceedings, with amendments, which were agreed to.

The question then being on ordering said bill to be read a third time, the same was decided in the affirmative.

Said bill was then ordered to be read the third time now.

Said bill was then read a third time, and Mr. Safford moved that said bill be referred to the standing committee on Corporations other than Municipal, which was agreed to.

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Mr. Langdon, from the standing committee on State Buildings, reported back

H. J R No. 80; Relative to an examination of the terrace on the east side of the capitol, with amendments, which were agreed to.

Said resolution, as amended, was then agreed to.

The preamble of the resolution was then agreed to.

Mr. Phelps, from the Judiciary committee, reported back

H. B. No. 387; To exempt from sale and execution certain property therein named.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Canfield, Chapman, Gatch, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Perrill, Phelps, Reid, Safford, Shideler, Slade, Smith, Taylor, Thomas and Winans—22.

So said bill having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

Mr. Langdon, from a select committee, reported back

H. B. No. 376; To authorize the lessees or their assignees of section 29, tp. 2, range 2, between the Miami rivers in Butler county, O., to surrender their leases and receive deeds.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 22, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Canfield, Chapman, Gatch, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Perrill, Phelps, Reid, Safford, Shideler, Slade, Smith, Taylor and Thomas—22.

Mr. Winans voted in the negative.

So said bill having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 402; Supplementary to an act entitled an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson, passed April 12, A. D. 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Henry, Harrison and Licking.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

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Mr. Phelps moved that the vote by which

S. B. 256; Supplementary to an act entitled "an act to provide for the reorganization, supervision and maintenance of common schools," passed March 1, 1853,

Was lost, be reconsidered, and that the motion to reconsider be laid on the table; which was agreed to.

On motion of Mr. Taylor,

S. J. R. No. 62; Relative to an amendment to the constitution,

Was taken from the table.

On motion, said resolution and amendment was committed to a committee of the Whole, and made the special order of the day for Thursday the 4th day of March.

The President of the Senate appointed Messrs. Holloway, Green and Winans as the select committee on H. B. No. 143.

On motion of Mr. Phelps,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

MONDAY, FEBRUARY 28, 1859.

The President directed a call of the Senate, when 18 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

Mr. Taylor—the rules being suspended for that purpose—offered for adoption the following resolution, which was agreed to:

Resolved by the General Assembly of the State of Ohio, That the several copies of the Report of the Commissioner of Statistics, heretofore ordered to be printed, be bound in the same manner as the 1,000 copies already ordered.

The following bills were severally read a second time, committed to a committee of the whole Senate, and made the order of the day for this day:

H. B. No. 402; Supplementary to an act entitled an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson, passed April 12, 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry and Licking.

S. B. No. 267; To authorize the incorporated village of New Richmond, in Clermont county, to borrow money to erect a town hall in said village.

S. B. No. 264; To amend an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852;

Was read a second time, and referred to the standing committee on Municipal Corporations.

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Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. B. No. 324; To authorize the commissioners of Scioto county to purchase ground, and to provide for the erection of a county jail.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills and joint resolutions, which are now ready for the signature of the President of the Senate:

S. J. R. No. 54; Relative to the claim of David Ross, of Wood county.

S. B. No. 143; Supplementary to an act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

H. J. R. No. 66; Relative to instructing the Attorney General to bring suit against Joseph Cable.

S. B. No. 225; To amend an act to provide for the execution of deeds for land sold by the State of Ohio, and for other purposes, passed April 16, 1857.

S. B. No. 111; Relating to the redemption and cancellation of the securities for the funded debt of counties of this State.

H. B. No. 315; To authorize the Board of Education of the special school district composed of the incorporated village of Logan, in this State, with the territory thereto annexed, for school purposes, to borrow money and issue bonds for school house purposes.

H. B. No. 343; To authorize the commissioners of Hamilton county to surrender the Cummingsville and Clifton Turnpike Road, to the creditors and bondholders thereof.

H. B. No. 396; To authorize the Board of Education of the incorporated village of Newark, to borrow money.

Attest: JOHN W. KEES, Clerk.

The President of the Senate, in the presence of the Senate, then signed the foregoing bills and resolutions, as required by the constitution.

Mr. Safford, on leave, introduced a bill:

S. B. No. 269; To amend an act entitled "an act regulating the publication of the Ohio Reports," passed April 14, 1854; which was read the first time.

Mr. Kincaid, on leave, introduced a bill:

S. B. No. 270; To amend the second section of an act entitled "an act to provide for the uniform government and regulation of the Lunatic Asylums of the State, and the care of the Idiots and the Insane;" which was read the first time.

Mr. Vanatta, on leave, introduced a bill:

S. B. No. 271; To authorize associations of persons, for the improvement of mineral lands and mines in this state, to become bodies corporate; which was read the first time.

Mr. Thomas, from the standing committee on Municipal Corporations, reported back

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H. B. No. 385; To amend an act entitled an act to authorize the erection of town halls," passed February 24, 1848.

On motion, said bill was referred to the standing committee on the Judiciary.

Mr. Safford offered for adoption the following resolution:

Resolved, That the standing committee on State buildings be instructed to inquire into the expediency of causing to be procured by the commissioners of the State House two flags of the United States, to be placed one upon each wing of the State House, immediately above the Senate Chamber and Hall of the House of Representatives, and of requiring by law that the sergeant-at-arms of each branch of the General Assembly shall cause said flags to be hoisted on each day of the session of the Legislature, simultaneously with the opening of each house, and to remain during the time that such branch shall be in actual session, and upon the adjournment or recess of either house, whether at the evening of each day or at other times, to cause the same to be lowered; and that said committee report by bill or otherwise.

On which resolution, the yeas and nays were demanded, and being ordered, resulted—yeas 15, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Canfield, Gatch, Hatch, Henkle, Kincaid, McCleary, Miles, Murdock, Perrill, Safford, Shideler, Slade, Taylor, Thomas and Vanatta—15.

Those who voted in the negative were—

Messrs. Buckland, Cadwell and Chapman—3.

So said resolution was agreed to.

Mr. Wilson offered for adoption the following resolution:

WHEREAS, The directors and warden of the Ohio Penitentiary have shown by investigation, as set forth in their report to this General Assembly, that it would be a great saving to the State in furnishing lights and fuel for the Penitentiary to manufacture coal gas within the walls of the prison; and

WHEREAS, said directors have asked for an appropriation of two thousand dollars to aid in the construction of the necessary works for the manufacture of a sufficient amount of gas for the present wants of the prison, and for the additional sum of $750 00 to construct gas works of sufficient capacity to manufacture gas for the prison if it should be enlarged, say 350 cells, in addition to the present number, therefore,

Resolved, by the General Assembly of the State of Ohio, That the board of directors and warden of the Penitentiary be, and they are hereby authorized (if in their opinion the interest of the State so demands) to cause to be erected the necessary works for manufacturing gas, within the walls of said prison, with suitable pipes and fixtures for heating water in the laundry and cooking departments, &c. Provided, said directors and warden shall first enter into a contract requiring sufficient surety for the erection and completion of said gas works, at a cost not exceeding the sum of twenty-seven hundred and fifty dollars, exclusive of convict labor.

Resolved, That the committee on Finance be, and they are hereby instructed to appropriate, in the general appropriation bill, the sum of twenty-seven hundred and fifty dollars out of any money in the state treasury for general revenue purposes, to be paid out on the warrant of the Auditor of State, on the certificate of a majority of said board of directors, to be appropriated as herein contemplated.

Mr. Hatch moved to refer said resolution to a select committee of five—Messrs. Miles, Canfield, Hatch, Langdon and Kincaid, which was agreed to.

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Mr. Taylor offered for adoption the following resolution, which was agreed to:

Resolved, That the committee on the Penitentiary be instructed to inquire into the expediency of erecting a penitentiary in the southwestern part of the State, on or near some of the lines of railroad communication, with leave to report by bill or otherwise.

The President laid before the Senate a communication from the Auditor of State answering certain inquiries relative to printing copies of reports in the German language, which was laid on the table and ordered to be printed.

Also, a communication from the Board of Public Works, asking general appropriations for the repair of the public works.

Referred to the standing committee on Public Works.

Also, a communication from the same source, relative to the detailed statement of the expenditures of the Board of Public Works.

On motion,

Said communication was laid on the table and ordered to be printed.

On motion of Mr. Thomas,

The Senate took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Phelps,

A call of the Senate was had, and 18 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

Mr. Buckland, from the standing committee on Corporations other than Municipal, reported back

H. B. No. 381: To authorize courts to give effect to the intention of parties and officers by curing defects, omissions and errors in instruments and proceedings, with amendments, and recommended that the vote by which the Senate agreed to the amendments reported by the standing committee on the Judiciary, be reconsidered, and the same was agreed to.

The question then being on agreeing to said amendments of the Judiciary committee, the first was disagreed to, and the last agreed to.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted yeas 19, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cadwell, Canfield, Gatch, Hatch, Henkle, Holloway, McCleary, Miles, Murdock, Perrill, Phelps, Safford, Shideler, Slade, Smith, Taylor, Thomas and Vanatta—19.

Those who voted in the negative were—

Messrs. Chapman and Winans—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

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On motion of Mr. Phelps,

The Senate resolved itself into a committee of the Whole, on the orders of the day, Mr. Canfield in the chair, and after some time spent therein, rose and reported back sundry bills, some with and some without amendments:

S. B. No. 250; For the relief of railroad companies in certain cases, with amendments; and,

On motion of Mr. Phelps,

Said bill, with amendments, was referred to the standing committee on the Judiciary.

S. B. No. 261; To limit the operation of the act entitled "an act to repeal the ten per cent. law, passed March 14, 1850," passed February —, 1859; and to repeal the act entitled "an act to amend an act fixing the rate of interest, passed January 12, 1824," passed February 18, 1848.

Mr. Taylor moved to amend as follows:

Add at end of section 2, the following: Provided, that the repeal thereof shall not affect contracts heretofore entered into.

On motion, said bill, with the amendment, was referred to the standing committee on the Judiciary.

S. B. No. 262; Supplementary to an act entitled "an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," passed April 13, 1852, with an amendment, and,

On motion, said bill, with the pending amendment, was referred to the select committee on the revision of the tax law.

Mr. Morrow asked and obtained leave of absence for the week for Mr. Reid.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested.

H. B. No. 348; To amend section one of the act entitled "an act to amend section sixty-six of an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed March 4, 1858.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

On motion of Mr. Slade,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

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TUESDAY, MARCH, 1, 1859.

The President directed a call of the Senate, when 15 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Mr. Buckland was excused.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

Mr. Taylor presented the petition of James Mason and 36 others of the city of Cleveland, asking the detachment from the city of so much of the territory embraced within the city limits, as lies east of Case Avenue, and to attach the same to the township of East Cleveland.

Referred to a select of one—Mr. Taylor.

Mr. Cass presented the resolution adopted by the citizens of Coshocton county, relative to the robbery in said county.

Referred to the select committee on that subject.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

S. B. No. 268; To provide for the removal of obstructions from turnpikes and plankroads.

H. B. No. 348; To amend section one of the act entitled "an act to amend section 66 of an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed March 4, 1858,

Was read the second time, and referred to the standing committee on Corporations other than Municipal.

Mr. Murdock, from the standing committee on Roads and Highways, reported back

S. B .No. 245; To amend an act passed April 15, 1857, entitled an act to authorize the commissioners of Hamilton county to surrender the Lower River road and the extension thereof, to the creditors and bondholders of said road.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cass, Chapman, Gatch, Hatch, Holloway, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Safford, Shideler, Slade, Smith, Taylor and Winans—20.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

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Mr. Cadwell, from the Judiciary committee, reported back

S. B. No. 195; To amend section 2 of the act entitled "an act to relieve the district courts, and to give greater efficiency to the judicial system of the State," passed April 12, 1858, with amendments, which were agreed to.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Phelps, from the same committee, reported back

H. B. No. 310; Authorizing courts to order abstracts of legal advertisements to be published, with amendments, which were agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cass, Chapman, Gatch, Hatch, Holloway, Langdon, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Safford, Shideler, Slade, Smith, Taylor, Thomas and Winans—22.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from the same committee, reported back

S. B No. 226; Providing for juries in the trial of offenses before justices of the peace in certain cases, with amendments.

Mr. Winans moved to refer said bill, with the pending amendments, to a select committee of five, which was agreed to, and Messrs. Winans, Phelps, Buckland, Safford and Henkle, were appointed said committee.

Mr. Phelps, from the same committee, reported back

H. B. No. 287; To protect gas companies, with amendments, which were agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time to-morrow.

Also, from the same committee,

H. B. No. 354; To amend section 415 of the code of civil procedure, with amendments, which were agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time to-morrow.

Mr. Taylor, on leave, from a select committee, introduced a bill:

S. B. No. 272; To change the territorial limits of the city of Cleveland, and of the township of East Cleveland, which was read the first time.

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On motion of Mr. Miles,

The Senate resolved itself into a committee of the whole on the orders of the day, Mr. Thomas in the chair, and after some time spent therein, rose and reported back sundry bills, and they were severally disposed of as follows:

H. B. No. 402; Supplementary to an act entitled an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson, passed April 12, 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry and Licking.

Referred to a select committee of one—Mr. Morrow.

H. B. No. 352; To authorize the trustees of Boston township, Summit county, to levy a tax for a special purpose therein named, without amendment.

Referred to the standing committee on Finance.

H. B. No. 366; To provide for taxing in cost bills the expense of procuring transcripts and records, without amendment.

Referred to the standing committee on the Judiciary.

S. B. No. 267; To authorize the incorporated village of New Richmond, in Clermont county, to borrow money to erect a town hall in said village.

Referred to a select committee of one—Mr. Kincaid.

On motion of Mr. Langdon,

The Senate took a recess.

THREE O'CLOCK P. M.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 254; To amend the act entitled an act to amend the several acts incorporating mutual fire insurance companies in the State of Ohio, passed March 27, 1841.

Attest: JOHN W. KEES, Clerk.

Mr. Canfield asked and obtained leave of absence for the standing committee on Schools and School Lands until next Friday.

Mr. Phelps, from the standing committee on the Judiciary, reported back

H. B. No. 366; To provide for taxing in cost bills the expenses of procuring transcripts and records.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time to-morrow.

Mr. Hatch, from the committee on Finance, reported back

H. B. No. 352; To authorize the trustees of Boston township, Summit county, to levy a tax for a special purpose therein named.

The question then being on ordering said bill to be read a third time, the same was agreed to.

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Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 19, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Gard, Gatch, Hatch, Henkle, Kincaid, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Shideler, Smith, Taylor, Thomas and Vanatta—19.

Mr. Holloway voted in the negative.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Kincaid, from a select committee, reported back

S. B. No. 269; To authorize the incorporated village of New Richmond, in Clermont county, to borrow money to erect a town hall in said village.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Taylor, from a select committee, reported by bill,

S. B. No. 273; To amend the first section of the act to provide for the organization of cities and incorporated villages, passed May 3, 1852;

Which was read the first time.

Mr. Taylor, from a select committee, reported back the petition of James Mason and others, of Cleveland, relative to the boundary limits within said city, and asked that the same be laid on the table and printed; which was agreed to.

Mr. Smith, from a select committee, reported back

H. B. No. 147; To fix the compensation of county commissioners.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 22, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cass, Chapman, Gard, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Perrill, Phelps, Shideler, Slade, Smith, Taylor, Thomas, Vanatta and Winans—22.

Those who voted in the negative were—

Messrs. Canfield, Cantwell, McKelly and Murdock—4.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Langdon,

The Senate resolved itself into a committee of the Whole on the orders of the day, Mr. Gard in the chair; and after some time spent therein, rose and reported that they had informally passed sundry bills, and asked and obtained leave to sit again.

Mr. Canfield, from a select committee, reported back

S. B. No. 202; To provide for a geological survey of the State.

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And, on motion, said bill was committed to a committee of the Whole, and made the special order of the day for this day.

On motion of Mr. Cadwell,

The Senate resolved itself into a committee of the Whole on the special orders of the day, Mr. Gard in the chair; and after some time spent therein, rose and reported that they had had under consideration

S. B. No. 202; To provide for a geological survey of the State of Ohio,

Had progressed therein, and asked and obtained leave to sit again.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 239; To authorize the Board of Education of the township of Jefferson, in the county of Mercer, and State of Ohio, to borrow money for school house purposes.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 444; For the relief of Grandison Newell.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

On motion of Mr. Ashmun,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

WEDNESDAY, MARCH 2, 1859.

The President being absent, Mr. Hatch took the chair.

The next business in order being the election of a President pro tem.,

On motion, the Senate then proceeded to the election of a President pro tem.

Mr. Langdon nominated Mr. Phelps. Mr. Phelps declined.

Mr. Morrow nominated Mr. Langdon.

Those who voted for Mr. Langdon were—

Messrs. Ashmun, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Slade, Smith, Taylor, Thomas, Vanatta and Westcott—24.

Mr. Langdon voted for Mr. Henkle.

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So Mr. Langdon, having received a majority of all the votes cast, was declared duly elected President pro tem., and having received the oath of office, administered by Hon. E. Phelps, entered at once upon the discharge of his duties.

Prayer by Rev. Mr. Spahr.

Mr. Gard presented the petition of J. R. Knox and 179 others, residents of Darke county, praying of the Legislature the submission of a proposition to the voters of the State, at the next annual election for members of the General Assembly, to strike from the Constitution the clause that prohibits the granting of license for the retail of ardent spirits.

Referred to the standing committee on evils resulting from the sale of intoxicating liquors.

Mr. Hatch presented the petition of sundry citizens of Hamilton county, asking for such change in the school law as will produce a just application of the money rsised by the school tax, to the several counties, in proportion to the amounts paid by them.

Referred to the standing committee on Schools and School Lands.

The following bills were severally read a second time, committed to a committee of the whole Senate, and made the order of the day for this day:

H. B. No. 444; For the relief of Grandison Newell.

S. B. No. 269; To amend an act entitled "an act regulating the publication of Ohio Reports," passed April, 1854.

S. B. No. 270; To amend the second section of "an act to provide for the uniform government and better regulation of the Lunatic Asylums of the State, and the care of the Idiots and the Insane.

Referred to the standing committee on the Public Benevolent Institutions.

Mr. Miles—the rules being suspended for that purpose—offered for adoption the following resolution; which was agreed to:

Resolved, That the Superintendent of the Central Ohio Lunatic Asylum; the Superintendent of the Ohio State Asylum for the education of the Idiotic and Imbecile Youth; the Superintendent of the Ohio Institution for the education of the Blind; the Superintendent of the Institution for the education of the Deaf and Dumb; be and they are hereby requested to report to the Senate, at the earliest day practicable, the amount paid for coal gas for the different Benevolent Institutions under their charge, respectively, from the first day of November, 1857, to the first day of November, 1858; and also the largest amount paid for gas consumed in any one month during the year, naming the month.

Resolved, That the State House Commissioners be requested to report the cost of gas used in the State House, as above, during the same time.

S. B. No. 267; To authorize the incorporated village of New Richmond, in Clermont county, to borrow money to erect a town hall in said town, was read the third time; and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Shideler, Slade, Smith, Taylor, Thomas, Vanatta and Westcott—23.

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Those who voted in the negative were—

Messrs. Holloway and McCleary—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

S. B. No. 195; To amend section two of an act entitled "an act to relieve the district courts, and to give greater efficiency to the judicial system of the State," passed April 12, 1858, was read a third time; and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Perkey, Perrill, Phelps, Safford, Shideler, Slade, Smith, Taylor, Thomas, Vanatta and Westcott—25.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 287; To protect gas companies,

Was read a third time, and the question being,

"Shall the bill pass?"

Mr. Westcott moved to strike out the third section, which was agreed to.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 26, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Shideler, Slade, Smith, Thomas, Vanatta and Westcott—26.

Those who voted in the negative were—

Messrs. McKelly and Taylor—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 366; To provide for taxing in cost bills the expense of procuring transcripts and records,

Was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 26, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Chapman, Gard, Gatch, Green, Hatch, Holloway, Kincaid, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Shideler, Slade, Smith, Taylor, Thomas, Vanatta and Westcott—26.

Mr. Langdon voted in the negative.

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So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 354; To amend section 415 of the code of civil procedure;

Was read a third time, and the question being,

"Shall the bill pass?"

On motion of Mr. Green,

Said bill was referred to a select committee of one—Mr. Green.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. B. No. 381; To authorize courts to give effect to the intention of parties and officers by curing defects, omissions and errors in instruments and proceedings.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has concurred in

S. J. R. No. 71; Relative to printing the report of the commissioner of statistics.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has refused to concur in Senate amendments to

H. J. R. No. 80. Relative to an examination of the terrace on the east side of the State House.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. Phelps,

The Senate insisted upon its amendment and asked a committee of conference.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No. 430; To enable the Board of Education of the village of Delphos, in the counties of Allen and Van Wert, to convey lot number 47 in said village.

H. B. No. 388; To authorize county commissioners to fill vacancies in certain cases.

H. B. No. 361; Supplementary to an act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

H. B. No. 432; To authorize the council of the incorporated village of Delaware to borrow money.

Attest: JOHN W. KEES, Clerk.

Said bills were severally read the first time.

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Mr. Hatch, on leave, introduced a bill:

S. B. No. 274; To authorize the commissioners of Hamilton county to contract for building a road-way or bridge for public use across Mill creek in said county;

Which was read the first time.

Mr. Morrow, from the standing committee on Schools and School Lands, reported back the petition of the citizens of Hamilton county, relative to the appropriation of certain school funds, and recommended that it be referred to the committee of the whole Senate, which was agreed to.

Mr. Langdon, from the standing committee on State Buildings, to which was referred the resolution relative to flags for the State capitol, reported the following resolution:

Resolved, by the General Assembly of the State of Ohio, That the State House Commissioners are hereby authorized and required to procure two national flags, of suitable dimensions and texture, and conspicuously embellished with the coat of arms of Ohio, together with the neeessary flag-staffs and apparatus, and cause the same to be placed upon the State House, one above the Senate Chamber and the other above the Hall of the House of Representatives, and that the Sergeants-at-arms of each branch of the General Assembly is hereby required, simultaneously with the opening of either house, to cause the appropriate flag to be displayed, and so to remain during the time such house is in actual session, and on the adjournment or recess of either branch of the General Assembly, said Sergeant-at-arms shall cause the appropriate flag to be lowered.

On which resolution, the yeas and nays were ordered and resulted—yeas 25, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Gard, Gatch, Green, Hatch, Henkle, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Safford, Shideler, Slade, Smith, Taylor, Thomas, Vanatta and Westcott—25.

Those who voted in the negative were—

Messrs. Chapman and Holloway—2.

So said resolution was agreed to.

Mr. Green, from a select committee, reported back

H. B. No. 354; To amend section 415 of the code of civil procedure,

With amendments; which were agreed to.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 21, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, McKelly, Murdock, Perkey, Phelps, Safford, Shideler, Slade, Taylor, Thomas and Vanatta—21.

Those who voted in the negative were—

Messrs. Langdon, McCleary, Miles, Morrow, Perrill, Smith and Westcott—7.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

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Mr. Slade offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, Three-fifths of the members of each house concurring therein, that it be and is hereby proposed to the electors of the State to vote, at the next annual October State election, upon the approval or rejection of the following amendment as a substitute for the first clause of the twenty-fifth section of the second article of the constitution of this State, to-wit:

All regular sessions of the General Assembly shall commence on the first Monday of January, annually.

Mr. Smith moved to refer said resolution to a select committee of five, which was agreed to, and Messrs. Smith, Taylor, McKelly, Phelps and Slade were appointed said committee.

Mr. Perrill moved to reconsider the vote by which

H. B. No. 287; To protect gas companies,

Was passed, which was agreed to.

On motion of Mr. Perrill,

Said bill was referred to the standing committee on Corporations other than Municipal.

Mr. Kincaid, from the standing committee on Public Benevolent Institutions, reported back

S. B. No. 270; To amend section two of "an act to provide for the uniform government and better regulation of the lunatic asylums of this State and the care of the idiots and the insane."

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Slade asked and obtained leave to be excused from serving on the select committee to which was referred the resolution of Mr. Slade on the amendment to the constitution, and Mr. Gatch was appointed to fill said vacancy.

On motion of Mr. Phelps,

The Senate took a recess.

THREE O'CLOCK P. M.

Mr. Safford offered for adoption the following resolution:

Resolved, That George Pfeifer be an additional messenger boy for the Senate during the rest of the session, and receive for his services a similar per diem to the other messenger boys.

On which resolution, the yeas and nays were demanded, and being ordered resulted—yeas 13, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Cantwell, Green, Henkle, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Safford and Vanatta—13.

Those who voted in the negative were—

Messrs. Ashmun, Chapman, Gard, Gatch, Hatch, Phelps, Shideler, Slade, Smith, Taylor, Thomas and Westcott—12.

So said resolution was agreed to.

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On motion of Mr. Shideler,

The committee of the Whole was discharged from the further consideration of

H. B. No. 146; To provide for the removal of the seat of justice of Perry county, Ohio, from the town of New Lexington to the town of Somerset, in said county.

The question being on ordering said bill to its third reading,

On motion of Mr. Green,

Said bill was committed to a committee of the Whole, and made the special order of the day for March 9th.

On motion of Mr. Gatch,

The Senate resolved itself into a committee of the Whole on the special order of the day, being

S. B. No. 202; To provide for a geological survey of the State of Ohio, and after some time spent therein, rose and reported progress, asked and obtained leave to sit again.

On motion of Mr. Safford,

The Senate resolved itself into a committee of the Whole, on the orders of the day—Mr. Miles in the chair—and after some time spent therein, rose and reported back sundry bills, some with and some without amendments, as follows:

S. B. No. 257; To amend section eight of an act entitled an act prescribing the duties of supervisors and relating to roads and highways, passed February 13, 1853,

Without amendment, and on motion, said bill was referred to a select committee of one—Mr. Green.

S. B. No. 263; To appropriate the proceeds of the sale of old arms heretofore collected to the purchase of a site and the erection of a state arsenal thereon,

Without amendment.

Referred to the standing committee on the Militia.

S. B. No. 278; To repeal an act entitled "an act to amend the act entitled an act fixing the rate of interest," passed January 12, 1824, "and all other laws on that subject," passed March 14, 1850, without amendment.

On motion of Mr. Green,

Said bill was laid on the table.

S. B. No. 268; To provide for the removal of obstructions from turnpikes and plankroads, without amendment.

Referred to the standing committee on Roads and Highways.

S. B. No. 269; To amend an act entitled "an act regulating the publication of Ohio Reports," passed April 14, 1854, with one amendment, striking out all after the enacting clause.

On motion, said bill was referred to a select committee of three—Messrs. Slade, McKelly and Henkle.

On motion of Mr. Miles,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

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THURSDAY, MARCH 3, 1859.

Prayer by the Rev. Mr. Randall.

The President directed a call of the Senate, when 19 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

The following bills were read a second time, committed to a committee of the whole Senate, and made the order of the day for this day:

H. B. No. 432; To authorize the town council of the incorporated village of Delaware to borrow money.

H. B. No. 388; To authorize county commissioners to fill vacancies in certain cases,

Was read a second time, and ordered to be read a third time to-morrow.

H. B. No. 361; Supplementary to an act to provide for the organization of cities and incorporated villages, passed May 3, 1852,

Was read a second time, and referred to the standing committee on Municipal Corporations.

H. B. No. 430; To enable the Board of Education of the village of Delphos, in the counties of Allen and Van Wert, to convey lot No. 47 to said village,

Was read a second time, and referred to a select committee of one—Mr. Phelps.

S. B. No. 271; To authorize associations of persons for the improvement of mineral lands or mines in this State, to become bodies corporate,

Was read a second time, and referred to the standing committee on Corporations other than Municipal.

S. B. No. 270; To amend the second section of "an act to provide for the uniform government and better regulation of the lunatic asylums of this State, and the care of the idiots and the insane,"

Was read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—27.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Winans, from the standing committee on Public Works, introduced a bill:

S. B. No. 275; Making partial appropriations for the repair of the public works;

Which was read the first time.

Mr. Winans moved that the constitutional rule be suspended, so as to allow said bill to be read a second and third time now; which was agreed to.

Said bill was then read a second time.

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The question then being on ordering said bill to be engrossed and read a third time now, the same was agreed to.

Said bill was then read a third time now, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 24, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McKelly, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—24.

Those who voted in the negative were—

Messrs. Cantwell and McCleary—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from the standing committee on the Judiciary, reported back

S. B. No. 153; Conferring certain powers on, and prescribing certain duties of the Board of Public Works, with one amendment, which was agreed to.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 24, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McKelly, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Slade, Smith, Taylor, Thomas, Westcott and Winans—24.

Those who voted in the negative were—

Messrs. Holloway and McCleary—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from a majority of the same committee, reported back

H. B. No. 385; To amend an act entitled an act to authorize the erection of town halls, passed February 24, 1848,

And recommended that it be indefinitely postponed, which was agreed to.

Mr. Phelps, from the same committee, reported back

H. B. No. 312; Requiring the probate judge of Noble county to make certain records, entries and indexes in the books of his office,

And recommended its passage.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

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Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 26, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Slade, Taylor, Thomas, Vanatta, Westcott and Winans—26.

Mr. Smith voted in the negative.

So said bill, having received a constitutional majority, was passed.

The question then being on agreeing to the preamble, the same was agreed to.

Ordered that the title be as aforesaid.

Mr. Thomas, from the standing committee on Municipal Corporations, reported back

S. B. No. 264; To amend an act entitled an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

The question then being on ordering said bill to be engrossed, the same was agreed to.

Said bill was then engrossed at the clerk's desk, and ordered to be read the third time now.

Said bill was then read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Gard, Gatch, Green, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Murdock, Perkey, Perrill, Phelps, Safford, Slade, Smith, Taylor, Thomas, Vanatta and Winans—23.

Mr. Westcott voted in the negative.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from the Judiciary committee reported back

H. B No. 313; To provide for the payment of the claim of David C. Doane.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 26, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—26.

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Mr. McCleary voted in the negative.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Green, from a select committee, reported back

S. B. No. 257; To amend section 8 of an act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed February 13, 1853, with sundry amendments;

On motion, said bill, with pending amendments, was referred to the standing committee on Municipal Corporations.

The following communication was received from the Governor, by the hands of his Private Secretary, A. M. Gangewer, Esq:

STATE OF OHIO, EXECUTIVE DEPARTMENT,
COLUMBUS, March 3, 1859.

To the General Assembly of the State of Ohio:

I transmit herewith in printed form, the detailed statement of the Auditor of State of the receipts and disbursements of the public money of the Ohio State Treasury, for the fiscal year 1858.

S. P. CHASE.

On motion of Mr. Miles,

The Senate resolved itself into a committee of the Whole on the orders of the day, Mr. Miles in the chair, and after some time spent therein, rose and reported back

H. B. No. 444; For the relief of Grandison Newell, without amendment.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted, yeas 23, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, McKelly, Miles, Perkey, Perrill, Phelps, Safford, Slade, Smith, Taylor, Thomas, Vanatta and Westcott—23.

Those who voted in the negative were—

Messrs. Langdon, McCleary, Murdock, Shideler and Winans—5.

So said bill, having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 425; To amend an act entitled an act to provide for the recording of land patents, passed March 14, 1836.

Attest: JOHN W. KERR, Clerk.

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Said bill was read the first time.

The President laid before the Senate a communication from the acting commissioner of the State House, in answer to inquiries relative to gas used in the State Houe .

Referred to the select committee on that subject.

Mr. Shideler offered for adoption the following resolution, which was agreed to:

Resolved, That there be elected by the Senate an additional clerk, and that the Senate proceed forthwith to the election thereof.

Mr. Perkey nominated D. S. Uhl, of Holmes county.

Mr. Winans nominated John Smith.

Those who voted for Mr. Uhl were—

Messrs. Cantwell, Chapman, Green, Hatch, Henkle, Kincaid, Langdon, McKelly, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Slade, Smith, Thomas, Vanatta and Westcott—19.

Those who voted for Mr. Smith were—

Messrs. Ashmun, Gatch, McCleary, Taylor and Winans—5.

Those who voted blank were—

Messrs. Cadwell, Gard and Miles—3.

So Mr. Uhl having received a constitutional majority, was declared duly elected assistant clerk.

On motion of Mr. McKelly,

The Senate took a recess.

THREE O'CLOCK P. M.

Mr. Taylor offered for adoption the following resolution:

WHEREAS, By section ten of article one of the constitution of the United States, it is provided that no State shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and that no State shall, without the like consent, lay any tonage duty. And,

WHEREAS, By the act to incorporate the Pennsylvania railroad company, enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and approved by the Governor of the said commonwealth, the thirteenth day of April, one thousand eight hundred and forty-six, the said company is authorized, from time to time, to establish, demand and receive such rates of toll or other compensation for the transportation of merchandize and commodities passing over said railroad, as to the president and directors shall seem reasonable; and it is provided and enacted that, in addition to such toll or other compensation, all tonage of whatsoever kind or description, except the ordinary baggage of passengers, loaded or received at any point on the said Pennsylvania railroad between the cities of Pittsburgh and Harrisburgh, or at either of said cities, and carried or conveyed on or over the same, more than twenty miles, between the tenth day of March and the first day of December, in each and every

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year, shall be subject to a toll or duty, for the use of the said commonwealth of Pennsylvania, at the rate of five mills per mile for each ton of two thousand pounds, to be collected by the said company and paid to the treasurer of the said commonwealth, in the manner and at the times specified in the said act. And,

WHEREAS, By the act, supplementary to the act aforesaid, approved by the Governor of the commonwealth aforesaid, the twenty-seventh day of March, one thousand eight hundred and forty-eight, it is further provided and enacted that, the tax or tonage of five mills per ton per mile, from the tenth of March to the first of December, payable to the State treasury, under the provisions of the first named act, be commuted to a tax of three mills per ton per mile during the whole year, under certain conditions, in said last mentioned act specified. To which said impositions of toll or duty on tonage, the congress of the United States have not, at any time, consented. And,

WHEREAS, The toll or duty on tonage, so imposed as aforesaid, is a grievous and unwarrantable burden upon the people of this State, in the transit of their merchandize and other commodities through and in the said State of Pennsylvania, in the importation thereof into the State, and the exportation of the same to other markets. Therefore,

Resolved by the General Assembly of the State of Ohio, That, in the opinion of this General Assembly, the aforesaid provisions of the constitution of the United States, were adopted as a part of that instrument, for the purpose, and with the intent thereby of prohibiting the imposition, by State authority, of any tax or duty upon tonnage, and upon the importation, exportation, or transit of merchandise and other commodities into, from or through any of the States, without the consent of the Congress, and that the aforesaid act of the General Assembly of the commonwealth of Pennsylvania, laying a toll or duty on tonnage is in conflict with the constitution, and impose illegal burdens upon the citizens of this State.

RESOLVED, That the Governor be and he is hereby authorized and requested to correspond with the proper authorities of the commonwealth of Pennsylvania with a view to procuring the repeal or abrogation of the aforesaid toll or duty on tonnage; and that he transmit to the Governor of the said commonwealth, to be laid before the Legislature thereof, a copy of these resolutions; and that he also transmit a copy to the Governor of each State.

On motion, said resolution was laid on the table and ordered to be printed.

Mr. Green, from a select committee, reported back

H. B. No. 331; To amend the act concerning the relation of guardian and ward, passed April 12, 1858,

With amendments, which were agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read the third time to-morrow.

Mr. Phelps, from a select committee to which was referred the memorial of Samuel Ketchum, treasurer, of Coshocton county, reported by bill,

S. B No. 276; For the relief of Samuel Ketchum,

Accompanied by a majority report; which was laid on the table and ordered to be printed.

Mr. Winans, from a minority of the same committee, made a report on the same subject, which was also laid on the table and ordered to be printed.

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The President laid before the Senate a communication from the Superintendent of the Ohio State Asylum for Idiots, relative to the expenditures for gas.

Referred to the select committee on that subject.

Mr. Phelps, from the Judiciary committee, reported back

H. B. No. 107; Regulating the mode of administering assignments in trust for the benefit of creditors,

With sundry amendments.

On motion, said bill and amendments were laid on the table, and the bill as proposed to be amended ordered to be printed.

Mr. Phelps, from the same committee, reported back the resolution of inquiry relative to an amendment to the constitution concerning annual sessions of the General Assembly, and asked to be discharged from the further consideration of the same; which was agreed to.

On motion, said resolution was referred to the select committee on that subject.

Mr. Phelps, from the same committee, reported back the memorial of E. Headly, relative to the naturalization laws, and asked to be discharged; which was agreed to.

Mr. Langdon, from the standing committee on Corporations other than Municipal, reported back

S. B. No. 85; Providing for inclosing railroads by fences and cattle-guards,

With amendments.

On motion of Mr. McKelly,

Said bill, as proposed to be amended, was laid on the table and ordered to be printed.

Mr. Westcott moved to take from the table the following resolution:

Resolved, That the standing committee on Finance be and they are hereby instructed to provide in the general appropriation bill, for the payment of the sum of two thousand and ten dollars and sixty-nine cents ($2,010 69) to Charles Rule, to be by him received in full of his claim against the State on account of the abrogation, by the State House Commissioners, of certain alleged contracts, dated June 19th, 1854, and May 9th, 1855, repectively, for furnishing marble tiling, balusters and hand-rails for the New State House.

Which was agreed to.

The question then being on the adoption of the resolution,

The yeas and nays were demanded, and being ordered, resulted—yeas 24, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cass, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Safford, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—24.

Those who voted in the negative were—

Messrs. Cadwell, Cantwell and Chapman—3.

So said resolution was agreed to.

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On motion of Mr. McKelly,

The Senate resolved itself into a committee of the Whole on the special order of the day, being

S. J. R. No. 62; Relative to an amendment to the constitution,

Mr. Slade in the chair; and after some time spent therein, rose and reported that they had progressed in the special order of the day, and asked and obtained leave to sit again.

Mr. Cadwell asked and obtained leave of absence until next Tuesday morning.

On motion of Mr. Taylor,

S. J. R. No. 58; Relative to Wm. J. Jackson,

Was taken from the table, and referred to a select committee of one—Mr. Taylor.

The President laid before the Senate a communication from the Superintendent of the Asylum for the Deaf and Dumb, answering certain inquiries relative to the expenditures for gas in said institution.

Also a communication from the Superintendent of the Blind Asylum, answering the Senate upon the same subject.

Severally referred to the select committee on that subject.

On motion of Mr. Miles,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

FRIDAY, March 4, 1859.

Prayer by the Rev. Mr. Randall.

Mr. Perkey presented the petition of R. B. Stibbs, and 34 others, praying for an amendment of the act to authorize the incorporation of mutual fire insurance companies, passed April 14, 1857,

Referred to the standing committee on Corporations other than Municipal.

Mr. Hatch presented the petition of sundry citizens of Hamilton county, for such change in the school law as will produce a just and equitable application of the school tax to the several counties and in proportion to the amount paid by them.

Referred to the committee of the Whole.

The following bills were severally read a second time, and disposed of as follows:

H. B. No. 425; To amend an act entitled "an act to provide for the recording of land patents," passed March 14, 1836.

Committed to a committee of the Whole.

S. B. No. 272; To change the corporate limits of the city of Cleveland and of the township of East Cleveland.

Committed to a committee of the Whole.

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S. B. No. 274; To authorize the commissioners of Hamilton county to contract for the building of a bridge for public use across Mill Creek, in said county,

Referred to a select committee of three—Messrs. Hatch, Langdon and Thomas.

H. B. No. 388; To authorize county commissioners to fill vacancies in certain cases,

Was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 22, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Chapman, Gard, Green, Hatch, Kincaid, Langdon, McCleary, Miles, Morrow, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Slade, Taylor, Thomas and Westcott—22.

Those who voted in the negative were—

Messrs. Gatch, Holloway and Winans—3.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 331; To amend an act concerning the relation of guardian and ward, passed April 12, 1858,

Was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 21, nays 2 as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Chapman, Gard, Gatch, Green, Hatch, Holloway, Kincaid, McCleary, McKelly, Miles, Perrill, Phelps, Shideler, Slade, Taylor, Thomas, Vanatta, Westcott and Winans—21.

Those who voted in the negative were—

Messrs. Langdon and Smith—2.

So said bill, having received a constitutional majority, was passed.

The following amendment to the title was agreed to:

"An act supplementary to an act to amend an act concerning the relation of guardian and ward," passed April 12, 1858.

The title of the bill, as amended, was then agreed to.

Message from the House of Representatives.

Mr. President:

The House accedes to the request of the Senate for a committee of conference on

H. J. R. No. 80; Relative to an examination of the terrace on the east side of the Capitol,

And has appointed Messrs. Paine, Peck and Parr such committee on part of the House.

Attest: JOHN W. KERR, Clerk.

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The President appointed Messrs. Perrill and Safford as said committee of conference on the part of the Senate.

Message from the House of Representatives.

Mr. President:

The House has passed the following joint resolution, and requests the concurrence of the Senate in the same:

H. J. R. No. 79; Relative to the assignment of rooms to the comptroller of the treasury.

Attest: JOHN W. KEES, Clerk.

On motion, said resolution was committed to the standing committee on State Buildings,

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills and joint resolutions, and the same are now ready for the signature of the President of the Senate:

S. B. No 198; To amend section 165 of an act entitled an act of the jurisdiction and procedure before justices of the peace and of the duties of constables in civil cases, passed March 14, 1853.

H. B. No. 428; Appropriating money for the repair of existing breaches on the south division of the Ohio canal.

S B. No. 239; To authorize the Board of Education of the township of Jefferson, in the county of Mercer and State of Ohio, to borrow money for school house purposes.

H. B. No. 307; To authorize the commissioners of Franklin county to sell the Infirmary farm of said county and to provide for the erection of a county jail in said county.

H. B. No. 387; To exempt from sale and execution certain property therein named.

S. B. No. 235; Further to provide for the care and distribution of the public arms.

S. B. No. 216; Supplementary to "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

H. B. No. 363; To authorize the commissioners of Licking county to borrow money.

H B. No. 324; To authorize the commissioners of Scioto county to purchase ground, and to provide for the erection of a county jail.

H. B. No. 322; To amend section 54 of the act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

S. J. R No. 69; To provide for the authentication of claims of citizens of Ohio against the General Government for service rendered in the war of 1812.

S. J. R. No. 68; To provide for the collection and preservation of colors and military trophies used and acquired by the militia of Ohio in actual service.

Attest: JOHN W. KEES, Clerk.

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The President, in the presence of the Senate, then signed the foregoing bills and resolutions, as required by the constitution.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 377; To amend and supplementary to an act entitled an act for the establishment and government of reform schools, passed April 2, 1858.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 427; Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 441; To provide for the appointment of police commissioners in cities of the first class having a population exceeding 80,000 inhabitants, and supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the other acts supplementary and amendatory thereto.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Mr. Perkey, on leave, introduced a bill:

S. B. No 277; Supplementary to an act entitled an act to incorporate mutual insurance companies, passed April 14, 1857.

Which was read the first time.

Mr. Perkey, from the standing committee on Roads and Highways, reported back

H. B. No 330; To authorize the commissioners of Lawrence county to set apart a portion of the funds collected for road purposes, and to make specific appropriation of the same.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

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Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 21, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Gard, Green, Hatch, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Perkey, Perrill, Phelps, Safford, Schleich, Slade, Thomas and Vanatta—21.

Those who voted in the negative were—

Messrs. Gatch, Smith, Taylor and Westcott—4.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Thomas, from the standing committee on Municipal Corporations, reported back

H. B. No. 361; Supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

The question then being,

"Shall the bill pass?"

On motion of Mr. Green,

Said bill was referred to the standing committee on the Judiciary.

Mr. Safford, from the standing committee on Municipal Corporations, reported back

S. B. No. 257; To amend section 8 of an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed February 13, 1853, with amendments, which were agreed to.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Phelps, from a select committee, reported back

H. B. No. 336; To provide for districting the State when the commissioners have failed to district in accordance with the provisions of an act passed April 13, 1852, entitled "an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," passed April 12, 1858.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Westcott and Winans—29.

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So, said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Messrs. Morrow and Holloway, from a majority of the select committee on the subject, reported back

H. B. No. 143; Providing for the sale of certain public works of the State of Ohio,

Recommending its passage; and, on motion, said bill was referred to the standing committee on Public Works.

Mr. Miles asked and obtained leave of absence until next Monday.

Mr. Phelps, from a select committee, reported back

H. B. No. 430; To enable the Board of Education of the village of Delphos, in the counties of Allen and Van Wert, to convey lot No. 47 in said village.

Referred to the standing committee on the Judiciary.

Mr. Langdon, on leave, introduced a bill:

S. B. No. 278; To amend section 157 of "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853;

Which was read the first time.

Message from the House of Representatives.

Mr. President:

The House has concurred in Senate amendments to

H. B. No. 354; To amend the code of civil procedure.

Attest: JOHN W. KERR, Clerk.

Message from the House of Representatives.

Mr. President:

The House has concurred in Senate amendments to

H. B. No. 147; To fix the compensation of county commissioners;

And in Senate amendments to

H. B. No. 310; Authorizing courts to order abstracts of legal advertisements to be published.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. McKelly,

The Senate took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Slade,

A call of the Senate was had, when 22 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

Mr. Safford offered for adoption the following resolution:

Resolved, That when the Senate adjourns, it adjourn to meet on Tuesday morning next.

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On which resolution the yeas and nays were demanded, and being ordered, resulted—yeas 12, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Hatch, Langdon, McCleary, Perkey, Phelps, Safford, Shideler, Taylor, Thomas, Vanatta and Winans—12.

Those who voted in the negative were—

Messrs. Ashmun, Henkle, Kincaid, McKelly, Morrow, Schleich, Slade and Smith—8.

So said resolution was agreed to.

Mr. Smith, offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That one hundred copies of the report of the Commissioners of the Ohio State Library be bound in the style corresponding with that of the report of the Commissioner of Statistics.

On which resolution the yeas and nays were ordered, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Gatch, Hatch, Holloway, Kincaid, Langdon, McCleary, McKelly, Morrow, Perkey, Phelps, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—24.

So said resolution was agreed to.

Mr. Schleich, from the standing committee on Privileges and Elections, reported back

S. B. No. 140; Supplementary to an act to regulate the election, contest of election, and the resignation of justices of the peace, passed March 11, 1853.

The question being on ordering said bill to be engrossed, the same was agreed to.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cass, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Morrow, Perkey, Phelps, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—26.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from the Judiciary committee, reported back

H. B. No. 103; To provide for the collection of claims against railroad companies, and asked to be discharged, which was granted.

Referred to the select committee on that subject.

Mr. Phelps, from the same committee, reported back

H. B. No. 430; To enable the board of education of the village of Delphos, in the counties of Van Wert and Allen, to convey lot No. 47 in said village, with an amendment to the preamble.

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The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cass, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Morrow, Perkey, Phelps, Safford, Shideler, Schleich, Slade, Smith, Taylor, Vanatta, Westcott and Winans—25.

So said bill, having received a constitutional majority, was passed.

The amendment to the preamble was then agreed to.

Ordered that the title be as aforesaid.

Mr. Westcott, from the standing committee on Claims, reported back the memorial and claim of Greenwood & Fifield, together with the following resolution:

Resolved, That the standing committee on Finance be and they are hereby instructed to provide, in the general appropriation for the payment of the claim of Miles Greenwood, amounting to the sum of $3,776 71, with interest from May 2, 1856, to be received by said Greenwood in full for his claim for heating apparatus, labor and materials for the Central Ohio Lunatic Asylum.

Laid on the table and ordered to be printed.

Mr. Green, on leave, introduced a bill,

S B. No. 279; To amend section two of an act entitled "an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," passed April 13, 1852.

Mr. Slade, from the select committee, reported back

S B. No. 269; To amend an act entitled "an act regulating the publication of the Ohio reports," passed April 14 1854, with sundry amendments.

Mr. Langdon moved that said bill and the pending amendments be indefinitely postponed.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 17, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Gard, Hatch, Holloway, Kincaid, Langdon, McCleary, Morrow, Perkey, Perrill, Shideler, Schleich, Taylor, Vanatta and Winans—17.

Those who voted in the negative were—

Messrs. Ashmun, Canfield, Gatch, Green, Henkle, Phelps, Safford, Slade, Smith and Thomas—10.

So said bill and pending amendments were indefinitely postponed.

Mr. Taylor, from the standing committee on the Militia, reported back

S. B. No. 263; To appropriate the proceeds of the sale of old arms heretofore collected, for the purchase of a site, and to the erection of a State Arsenal thereon.

The question then being on ordering said bill to be engrossed, the same was agreed to.

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Said bill was then engrossed at the clerk's desk and ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 18, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Chapman, Gard, Hatch, Henkle, Kincaid, McCleary, Perkey, Perrill, Phelps, Safford, Schleich, Slade, Smith, Taylor and Vanatta—18.

Those who voted in the negative were—

Messrs. McKelly, Morrow and Winans—3.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Gatch,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

TUESDAY, March 8, 1859.

In the absence of the President of the Senate, Mr. Hatch, being the oldest Senator present, took the chair.

The Senate then proceeded to the election of a President pro tem.

Mr. McKelly nominated Hon. E. Bassett Langdon.

Those who voted for Mr. Langdon were—

Messrs. Ashmun, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, McKelly, Miles, Murdock, Perrill, Safford, Schleich, Smith, Vanatta and Westcott—20.

Mr. Langdon voted for Mr. McKelly, Mr. Slade voted for Mr. Schleich, and Mr. Winans voted for Mr. Hatch.

So Mr. Langdon, having received a majority of all the votes cast, was declared duly elected President pro tem. of the Senate, and the oath of office being administered by James Williams, a notary public for the county of Franklin, he at once entered upon the discharge of his duties.

Prayer by the Rev. Mr. Randall.

Mr. Miles presented the petition of Mrs. H. P. Goodrich and 330 others, residents of Ohio, on the subject of woman's rights; also the petition of Mrs. Elsie Emry and 37 others, on the same subject;

Which was read, and referred to the select committee on that subject.

The President pro tem. laid before the Senate the report of the Investigating Commission relative to the Treasury defalcation.

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On motion of Mr. Safford,

Said report was laid upon the table and ordered to be printed.

Subsequently the President pro tem. (Mr. Langdon) announced that there was, among said papers, a communication from the Governor relating to said commission and report, which had been overlooked in the presentation of the report.

Said communication was then read at the clerk's desk, when it appeared that the signature of the Governor was not attached thereto; whereupon,

Mr. McKelly moved that the same be laid upon the table.

Pending which, leave was granted to the Private Secretary of the Governor to withdraw said communication for the purpose of having it signed.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

S. B. No. 273; To amend the first section of the act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

S. B. No. 276; For the relief of Samuel Ketchum, Treasurer of Coshocton county.

S. B. No. 277; Supplementary to an act entitled an act to authorize the incorporation of mutual insurance companies, passed April 14, 1857.

S. B. No. 278; To amend section 157 of "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853.

S. B. No. 279; To amend section 2 of an act entitled "an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money."

H. B. No. 377; To amend and supplementary to an act entitled "an act to provide for the establishment and government of reform schools," passed April 2, 1858.

H. B. No. 427; Supplementary to "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

Mr. Thomas moved to refer

H. B. No. 441; To provide for the appointment of police commissioners in cities of the first class, having a population exceeding eighty thousand inhabitants, and supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the other acts supplementary and amendatory thereto,

To the committee on Municipal Corporations.

Mr. Taylor moved to commit said bill to a committee of the whole Senate, and to make it the special order for Thursday next.

Which motion having precedence,

Mr. Safford moved to amend by striking out "Thursday next," and inserting "to-day."

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 16, nays 11, as follows:

Those who voted in the affirmative were—

Messrs, Cantwell, Cass, Chapman, Corwine, Hatch, Langdon, McKelly, Mor-

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row, Murdock, Perrill, Safford, Schleich, Smith, Thomas, Vanatta and Westcott—16.

Those who voted in the negative were—

Messrs. Gard, Gatch, Green, Henkle, Holloway, Langdon, McCleary, Miles, Slade, Taylor and Winans—11.

So said amendment was agreed to.

The motion as amended was then agreed to, and said bill was committed to a committee of the whole Senate and made the special order of the day for this day.

The message of the Governor relative to the report of the commission on the treasury defalcation, having been returned signed, and the question being on ordering said communication to be laid upon the table,

The yeas and nays were demanded, and being ordered, resulted—yeas 17, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Corwine, Gatch, Hatch, Langdon, McKelley, Morrow, Murdock, Perrill, Safford, Schleich, Smith, Taylor, Thomas, Vanatta and Westcott—17.

Those who voted in the negative were—

Messrs. Ashmun, Cass, Gard, Green, Henkle, Holloway, McCleary, Miles, Slade and Winans—10.

So the motion prevailed.

Mr. Taylor moved that the message of the Governor and the accompanying report be printed together.

Mr. Safford moved to amend said motion by striking out the same and inserting "that the message of the Governor transmitting the report of the Investigating Commission be printed among other executive documents."

On which amendment the yeas and nays were demanded, and being ordered, resulted—yeas 13, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Langdon, Morrow, Murdock, Perrill, Safford, Schleich, Vanatta and Westcott—13.

Those who voted in the negative were—

Messrs. Ashmun, Gard, Gatch, Green, Henkle, Holloway, McCleary McKelly, Miles, Slade, Taylor and Winans—12.

So said amendment was agreed to.

The question then being on the motion as amended, the yeas and nays were demanded, and being ordered, resulted—yeas 22, nays 2, as follows:

Those who voted in the affirmative were—

Messrs Ashmun, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Holloway, Langdon, Miles, Morrow, Murdock, Perrill, Safford, Schleich, Slade, Taylor, Thomas, Vanatta, Westcott and Winans—22.

Those who voted in the negative were—

Messrs. Henkle and McKelly—2.

So the motion, as amended, was agreed to.

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Mr. Taylor moved that the rules be suspended, so that he might offer the following resolution:

Resolved, That the message of the Governor, communicating the report of the Investigating Commissioners be printed.

Which was lost.

On motion of Mr. Slade,

The Senate took a recess.

THREE O'CLOCK P. M.

S. B. No. 257; To amend section 8 of an act entitled "an act prescribing the duties of supervisors and relating to roads and highways," passed April 13, 1853,

Was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Perrill, Shideler, Schleich, Slade, Taylor, Thomas, Vanatta, Westcott and Winans—23.

Mr. Murdock voted in the negative.

So said bill having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

Message from the House of Representatives.

Mr President:

The House has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 380; To amend an act to authorize the incorporation of mutual insurance companies, passed April 14, 1857.

H. B. No. 417; Amendatory to an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

Attest: JOHN W. KERR, Clerk.

Said bills were read the first time.

The following bills were introduced, on leave, and severally read the first time:

By Mr. Schleich—S. B. No. 280; Concerning the Board of Public Works, and other officers of the State.

By Mr. Taylor, from the select committee on Revision of the Tax Laws—S. B. No. 281; To provide for the semi-annual collection of taxes.

By Mr. Taylor, from the standing committee on Finance—S. B. No. 282; To provide more effectually for the safe keeping of the securities deposited by banks, and for the redemption of their notes.

By Mr. Miles—S. B. No. 283; To amend section 45 of the act entitled an act to provide for the reorganization, supervision and maintenance of common schools, passed March 1, 1853.

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By Mr. Slade—S. B. No. 284; To authorize the city of Cleveland to appoint inspectors of provisions and other articles.

On motion of Mr. Slade,

Said bill was ordered to be printed in advance of other bills introduced this day.

Mr. Morrow, from a select committee, reported back

H. B. No. 402; Supplementary to the act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, &c., passed April 12, 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry and Licking, with amendments, which were agreed to; and said bill was ordered to its third reading now.

Said bill was read the third time, and the question being

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 25, nays none as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Chapman, Gard, Gatch Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perrill, Shideler, Schleich, Slade, Taylor, Thomas, Vanatta, Westcott and Winans —25.

So said bill, having received a constitutional majority, was passed.

On motion, the title was amended by adding "Belmont, Stark," after the word "Henry," therein.

The title as amended, was agreed to.

Mr. Slade offered for adoption the following resolution:

Resolved, That the message of the Governor, transmitting the Report of the Investigating Committee, be printed with said report.

Mr. Schleich moved that said resolution be laid upon the table, on which motion the yeas and nays were demanded, and being ordered resulted—yeas 18, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perrill, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—18.

Those who voted in the negative were—

Messrs. Ashmun, Gard, Gatch Green, Henkle, Holloway, McCleary, Miles, Slade, Taylor and Winans—11.

So the motion prevailed, and said resolution was laid on the table.

Mr. Taylor presented the remonstrance of R. M. Pomeroy and 48 other citizens of Cincinnati, against the passage of the House bill No. 441, called the Cincinnati police bill; also the remonstrance of Frederick Stagge and 50 other citizens of Cincinnati, against the passage of said bill; also the remonstrance of R. D. Mayhew and 48 others; of H. Hulsmeier and 18 others; of Frank Weil and 40 others; of Augustus L. Clark and 39 othes; of A Fraub and 82 others; of Joseph Weaver and 49 others; of A. VanBroheman and 25 others; of S. Moorwood and 36 others; of Thomas Jouvet and 27 others; of A. Weizenerker and 47 others; of H. E.

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Kauffman and 58 others; of T. Riesterer and 122 others; of Henry Eokel and 143 others; of Philip Hinkle and 40 others; of Jos. P. Mayer and 15 others; of W. Martin and 48 others; of David Baker and 116 others; of Martin C. Jennings and 111 others; of J. L. McDonald and 45 others; of W. H. Clement and 53 others, to the same effect.

Messrs. Henkle and Thomas also presented other remonstrances upon the same subject.

Severally referred to the committee of the whole Senate.

On motion of Mr. Schleich,

The Senate resolved itself into committee of the whole on the special order being

H. B. No. 441; To provide for the appointment of police commissioners in cities of the first class, having a population exceeding eighty thousand inhabitants, and supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the other acts supplementary and amendatory thereto,

And after some time spent therein rose and reported the same back without amendment, and

On motion of Mr. Schleich,

Said bill was referred to the standing committee on Municipal Corporations.

On motion of Mr. Schleich,

The Senate adjourned

Attest: C. W. BLAIR, Clerk.

WEDNESDAY, MARCH 9, 1859.

Prayer by Rev. Mr. Randall.

Mr. Taylor presented the remonstrance of Thomas J. McLain and 155 others, citizens of Warren, Trumbull county, against the passage of a bill to amend the charter of the Franklin and Warren Railroad company.

Referred to a committee of the whole Senate.

Mr. Taylor—the rules being suspended for that purpose—moved that the committee of the whole be discharged from the further consideration of the remonstrance against the police bill of Cincinnati, and that the same be referred to the standing committee on Municipal Corporations; which was agreed to.

Mr. Cadwell presented the petition of Mrs. Mary A. Bartow, Mabel Harford, and 100 others; of H. C. Cobb and 66 others, men and women of Ohio, on the subject of Woman's Rights.

Referred to the select committee on that subject.

Mr. Henkle presented the petition of Mary Jane Newcomb and 54 others; of Hannah Howell and 64 others, citizens of Ohio, on the subject of Woman's Rights.

Referred to the same committee.

Mr. McCleary presented the petition of Hannah N. Cobb and 13 others, men and women of Ohio, on the subject of Woman's Rights; which was read at the clerk's desk and referred to the select committee on that subject.

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Mr. Henkle presented the petition of Thos W. Forshe, on the subject of schools and school laws; which was read at the clerk's desk and referred to the standing committee on Schools and School Lands.

Mr. Hatch presented the petition of sundry citizens of Hamilton county, praying that a law be passed to enable the commissioners of said county to erect a bridge or road-way across Mill Creek, in said county.

Referred to a select committee of three—Messrs, Hatch, Langdon and Thomas.

The following bills were severally read a second time, committed to a committee of the whole Senate, and made the order of the day for this day:

H. B. No. 380; To amend "an act to authorize the incorporation of mutual insurance companies," passed April 14, 1857.

H. B No. 417; Amendatory to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

Message from the House of Representatives.

Mr. President:

The House has indefinitely postponed

S. B. No. 207; To amend and supplementary to an act entitled "an act to provide for the reorganization, supervision and maintenance of common schools," passed March 14, 1853.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 245; To amend an act passed April 15, 1857, entitled "an act to authorize the commissioners of Hamilton county to surrender the lower river road, and the extension thereof, to the creditors and bondholders of said road."

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has disagreed to Senate amendments to

H. B. No. 234; To allow the city of Toledo to borrow money for certain purposes therein named.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. Westcott,

The Senate insisted upon its amendments, and asked for a committee of conference.

Message from the House of Representatives.

Mr. President:

The House refuses to concur in the report of the joint committee of conference on the disagreement between the two houses, on

S. B. No. 109; To amend section two of an act passed March 11, 1853, to provide for the publication of the general laws in newspapers, and to repeal an act

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entitled an act to provide for an early publication of the laws, and for other purposes, passed March 23, 1850.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Schleich,

The Senate asked a new committee of conference upon the disagreement relative to said bill.

Mr. Westcott, on leave, introduced a bill,

S. B. No. 285; To define and limit the provisions of an act entitled an act supplementary to an act entitled an act supplementary to an act entitled an act to provide for the organization of cities and incorporated villages, "passed May 3, 1852, and the acts amendatory thereof and supplementary thereto," passed April 14, 1857;

Which was read the first time.

Mr. Thomas, from a majority of the standing committee on Municipal Corporations, reported back

H. B. No. 441; To provide for the appointment of police commissioners in cities of the first class, having a population exceeding 80,000 inhabitants, and supplementary to an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and the other acts supplementary and amendatory thereto, without amendment.

Mr. Green moved to amend as follows:

Strike out of section 1 all between the word "the" where it occurs the second time in line 4, and the word "from" in line 8, and insert the following: "qualified electors thereof, at the annual April election, to elect."

On which amendment, the yeas and nays were demanded, and being ordered, resulted—yeas 10, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Gatch, Green, Henkle, Holloway, McCleary, Miles, Slade, Taylor and Winans—10.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Corwine, Hatch, Kincaid, Langdon, McKelly, Murdock, Perkey, Perrill, Safford, Shideler, Schleich, Thomas, Vanatta and Westcott—16.

So said amendment was not agreed to.

Mr. Taylor moved to amend as follows:

Strike from lines 6 and 7 of section one, the words "last Monday in March," and insert the words "second Monday of April."

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 9, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Gatch, Green, Henkle, Holloway, McCleary, Miles, Slade, Taylor and Winans—9.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Kincaid, Langdon, McKelly,

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Morrow, Murdcck, Perkey, Perrill, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—19.

So said amendment did not prevail.

Mr. Taylor moved further to amend said bill, as follows:

Add as an additional section after section 8—

If the chief of police, or any lieutenant or other member of said police force, shall, while on service as a policeman, in any manner attempt to persuade or procure any citizen, voter or other person to support or vote for any candidate for any office, at any election authorized by the laws of this State, or in any other manner endeavor to procure the election of any such candidate, or to influence the result of any such election, otherwise than by his own vote, it shall be the duty of the police commissioners forthwith to dismiss him from such police force.

Pending which,

On motion of Mr. Perkey,

The Senate took a recess.

THREE O'CLOCK P. M.

The question being on the amendments of Mr. Taylor to said

H. B. No. 441, the yeas and were demanded, and being ordered, resulted—yeas 8, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Gard, Henkle, Holloway, Miles, Slade and Taylor—8.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Chapman, Hatch, Kincaid, Langdon, McCleary, Morrow, Murdock, Perkey, Perrill, Safford, Schleich, Smith, Thomas, Vanatta, Westcott and Winans—18.

So said amendment did not prevail.

Mr. Slade moved further to amend as follows:

If the chief of police, or any lieutenant or other member of said police force, shall, while on duty attending the polls upon any election day, authorized by the laws of this State, attempt to persuade or procure any citizen, voter, or other person, to support or vote for any candidate for any office, or in any other manner endeavor to procure the election of any such candidate, or to influence the result of any such election other than by his vote, it shall be the duty of the police commissioners forthwith to dismiss him from said police force.

On which amendment the yeas and nays were demanded, and being ordered, resulted—yeas 8, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Gard, Henkle, Holloway, Miles, Slade and Taylor—8.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Chapman, Hatch, Kincaid, Langdon, Morrow, Murdock, Perkey, Perrill, Safford, Schleich, Smith, Thomas, Vanatta, Westcott and Winans—17.

So said amendment did not prevail.

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Mr. Henkle moved further to amend said bill as follows:

There shall be created a board of police commissioners, consisting of five members, four of which shall be elected by the people at their annual charter elections, as follows: On the first Monday of April, 1859, four of said commissioners shall be elected by the qualified electors of said cities; each elector voting for said commissioners, shall place upon his ballot the names of two candidates for the office of police commissioner, and no more. The four commissioners elected on the first Monday of April, 1859, shall, at the first meeting thereafter, draw lots to determine who shall remain in said board for two years, and who for four years; two of said commissioners shall hold their office for two years, and two for four years. The mayor of the city shall be ex-officio a member of the board of police commissioners, and shall be the chairman of said board.

On which amendment the yeas and nays were demanded, and being ordered, resulted—yeas 11, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Gard, Gatch, Green, Henkle, Holloway, McCleary, Miles, Slade and Taylor—11.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Chapman, Hatch, Kincaid, Langdon, Morrow, Murdock, Perkey, Perrill, Safford, Shideler, Smith, Thomas, Vanatta, Westcott and Winans—16.

So said amendment did not prevail.

Mr. Winans moved further to amend as follows:

1st amendment—Strike out the first and second sections, and insert—

Section 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first section of the act entitled "an act to amend the seventy-first section of the act entitled 'an act to provide for the organization of cities and incorporated villages, passed March 1, 1852,' passed April 17, 1854," be so amended as to read as follows:

Sec. 1. That in cities of the first class, the mayor, by and with the advice and consent of the city council, shall appoint one chief of police, and as many lieutenants of police and day and night watchmen and station house keepers, as the city council, by ordinance, may determine to be necessary, who shall hold their office for one year, unless sooner removed; and shall, before entering upon the duties of their respective offices, give bond, with good and sufficient surety, to the satisfaction of the mayor, in such sum as the city council, by ordinance, shall prescribe, conditioned for the faithful discharge of the duties of such offices respectively, and shall also take an oath faithfully and impartially to discharge the duties of such offices respectively. The city council shall have power, with or without the recommendation of the mayor, to remove any of the officers above named, for neglect of duty, misconduct, or other sufficient cause; and the vacancy occasioned by such removal shall be filled in the manner hereinbefore provided for original appointments. The mayor shall, at the second regular meeting of the city council in April, in each year, and at such other times as he may deem expedient, report to the city council concerning the municipal affairs of the city, and recommend such measures as to him may seem advisable; he shall have power to sit in the police court, and to perform the duties of the judge thereof; in case of the disability or unavoidable absence of the police judge, he shall have, within the county in which such is situated, in all criminal cases, all the powers of a justice of the peace; but except in cases of urgency or necessity, the mayor shall not be required to sit on

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the examination or hearing of any criminal charge or case; and warrants issued by him shall be made returnable before some judge of the police court.

2d amendment—Strike out of the third section all preceding the word "it," in the fourth line of the printed bill.

3d amendment—Strike out of the fourth section the words "president of the board of police commissioners," in the first and second lines, and the word "president," in the fourth line, and insert in lieu thereof, in each instance, the word "mayor."

4th amendment—Strike out of section five, in the first and second lines, the words "with a population exceeding eighty thousand inhabitants."

5th amendment—Strike out of the sixth section the words, in the first and second lines, "with a population exceeding eighty thousand inhabitants."

6th amendment—Strike out, in the fourth line of the sixth section, the words "the city council," and insert the words "the mayor, with the advice and consent of the city council."

7th amendment—Strike out of the sixteenth line of section six, the words "the board of police commissioners," and insert the words "the city council."

8th amendment—Strike out section seven.

9th amendment—Strike out of section eight, the words, in the second and third lines, "containing a population exceeding eighty thousand inhabitants."

10th amendment—Strike out section nine, and insert—

SEC 9. That the act entitled an act to amend the seventy-first section of the act entitled "an act to provide for the organization of cities and incorporated villages, passed March 1, 1852," passed April 17, 1854, be, and the same is hereby repealed; and this act shall be in force from and after its passage.

11th amendment—Alter section three to section two, section four to section three, section five to section four, section six to section five, and section eight to section six.

12th amendment—Strike out of the title the words "having a population exceeding eighty thousand inhabitants."

13th amendment—Insert, between the words "to" and "an," in the third line of the title, the words "and amendatory of."

On which amendment the yeas and nays were demanded, and being ordered, resulted—yeas 12, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Gard, Gatch, Green, Henkle, Holloway, McCleary, Miles, Slade, Smith and Winans—12.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Corwine, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Thomas and Westcott—17.

So said amendment did not prevail.

Mr. Winans moved further to amend as follows:

Strike out the word "years" where it occurs in the 10th, 11th and 17th lines of the printed bill, and insert in lieu thereof the word "months," which was lost.

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The question then being on ordering said bill to be read a third time,

Mr. Thomas directed a call of the Senate, when 30 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

On motion of Mr. Miles,

Mr. Buckland was excused.

On motion of Mr. Gard,

Mr. Canfield was excused.

On motion of Mr. Morrow,

Mr. Reid was excused.

Several Senators appearing within the bar of the Senate,

On motion of Mr. Thomas,

All further proceedings under the call were dispensed with.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 19, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Corwine, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—19.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Gard, Gatch, Green, Henkle, Holloway, McCleary, Miles, Slade, Taylor and Winans—12.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Safford, from a committee of Conference, reported back

H. J. R. No. 80; Relative to an examination of the terrace on the east side of the Capitol, and recommended—

1st. That the Senate recede from its first amendment.

2d. That the name of Herman Yager be inserted in the original resolution, before the name of S. Medbury.

3d. That Senate amendment No. 2 be agreed to.

The question then being on agreeing to said recommendation,

The yeas and nays were ordered and resulted—yeas 19, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Kincaid, Langdon, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Slade, Smith, Taylor, Vanatta and Westcott—19.

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Those who voted in the negative were—

Messrs. Ashmun, Buckland, Gatch, McCleary, Miles and Winans—6.

So said recommendation was agreed to.

Mr. Westcott, from the standing committee on Claims, reported back the memorial of G. Swan, praying for compensation from the State on account of the repeal, in 1853, of the charter of the Sandusky Turnpike Co., in which he owned stock, and, the papers accompanying the same, and asked to be discharged from the consideration of the same, which was agreed to.

Also, from the same committee, to whom was referred the claim of D. B. Woods, for services, expenses &c., as commissioner on the two Lunatic Asylums of the State, report for adoption the following resolution, which was agreed to:

Resolved, That the standing committee on Finance be, and they are hereby instructed to provide in the general appropriation bill, for the payment of the sum of seventy-five dollars and sixty cents, ($75 60,) to D. B. Woods, in full of his claim for services, expenses &c., as commissioner of the two new Lunatic Asylums.

Mr. Westcott, from the same committee, to whom was referred the claim of Adelia A. Ferris, for service as matron for the Northern Lunatic Asylum, reported for adoption the following resolution, which was agreed to:

Resolved, That the Finance committee be, and they are hereby instructed to report an appropriation of one hundred dollars, to pay the balance of salary due Mrs. Adelia A. Ferris, as matron of the Northern Lunatic Asylum, from the first day of January, 1856, to the 28th day of April, 1856, to be paid by the trustees of said asylum, if it shall appear to them that her salary for the period aforesaid has not been paid.

Mr. Winans, from the standing committee on Schools and School Lands, offered for adoption the following resolution, which was agreed to:

Resolved. That the Auditor of State be requested to inform the Senate at his earliest convenience, whether the claim of H. W. Derby & Co. against the State for books, has been audited and allowed by him, and if so, when and under what authority he audited and allowed the same, and the amount allowed on said claim.

Mr. Smith, from the standing committee on the State Library, reported back

S. Resolution relative to the purchase of Ohio Reports, with an amendment; which was agreed to.

The question then being on agreeing to said resolution, as amended,

The yeas and nays were ordered, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Chapman, Gatch, Green, Hatch, Kincaid, Langdon, Miles, Morrow, Murdock, Perrill, Phelps, Safford, Slade, Smith, Taylor, Vanatta, Westcott and Winans—21.

So said resolution was agreed to.

Mr. Safford offered for adoption the following resolution, which was laid on the table and ordered to be printed:

WHEREAS, In the opinion of this General Assembly, the practice of extending the elective franchise to persons of African descent, which has heretofore, in some counties in this State, prevailed, is highly reprehensible, and neither contemplated by the framers of the Constitution, nor consistent with the genius of our government; and believing that the doctrine of social and political equality of the races,

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as advocated by certain misguided philanthropists, is not only false in theory, but demoralizing in its tendencies; is insulting to the intelligence of the people, and calculated to retard the moral and social advancement of the white race; and with the view to establish the qualifications of electors beyond the pretext of judicial interpretation; therefore,

Resolved, by the General Assembly of the State of Ohio—three-fifths of the members elected to each house concurring therein—That it be and is hereby proposed to the electors of this State, to vote on the Second Tuesday of October next, upon the approval or rejection of the following amendment as a substitute for the sixth section of the fifth article of the Constitution, viz:

SEC. 6. No idiot, insane person, or person with a marked or visible admixture of African blood, shall be entitled to the privilege of an elector.

Mr. Safford offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That, there be printed of the report of the Treasury Investigating Committee, for the use of the members of the General Assembly, 5,000 copies without, and 10,000 copies with the evidence accompanying said report, and that the same, with the evidence, be published in a separate volume to the Senate Journal. Also, that there be printed 2,000 copies, without the accompanying evidence, in the German language.

On motion of Mr. Taylor,

Said resolution was referred to the standing committee on Public Printing.

Mr. Gatch, on leave, introduced a bill:

S. B. No. 286; To amend the act passed March 17, 1856, supplementary to an act passed March 2, 1853, to provide for draining and reclaiming certain swamp and overflowed lands; which was read the first time.

On motion of Mr. Hatch,

S. B. No. 197; To provide for the renewal, and to regulate the final payment of the funded debt of the State, was taken from the table; and,

On motion of the same, was referred to a select committee of one—Mr. Hatch.

On motion of Mr. Winans,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

THURSDAY, MARCH, 10, 1859.

Prayer by Rev. Mr. Randall.

Mr. Cass presented the petition of Bernard Preston and 39 others, of Pike township; of William Walker and 19 others, of White Eyes township; of R. C. Warner and 39 others, of Adams township; of T. C. Retilly and 35 others, of Franklin township; of Thomas Darling and 65 others, of Jefferson township; of D. Long and 43 others, of Oxford township; of William Ostter and 19 others, of Bethelem township; of W. J. McFadden and 29 others, of Adams township; of William Dork and 59 others, of Crawford township, Coshocton county, relative to relief for the treasurer of said county.

On motion, said petitions were severally laid on the table.

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Mr. McCleary presented the petition of A. C. Johnston and 69 others, men and women of Ohio, on the subject of woman's rights.

Referred to the select committee on that subject.

Message from the House of Representatives.

Mr. President:

By order of the House, the enclosed remonstrances against the passage of

H. B. No. 441; Relating to the appointment of a Board of Police Commissioners for cities of the first class,

Are herewith transmitted to the Senate.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. Phelps,

Said remonstrances were laid on the table.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills and joint resolutions, and the same are now ready for the signature of the President of the Senate:

H. B. No. 354; To amend section 415 of the code of civil procedure.

H. B. No. 381; To authorize courts to give effect to the intention of parties and officers, by curing defects, omissions, and errors in instruments and proceedings.

H. B. No. 310; Authorizing courts to order abstracts of legal advertisements to be published.

H. B. No. 147; To fix the compensation of county commissioners.

H. B. No. 313; To provide for the payment of the claim of David C. Doane.

H. B. No. 312; Requiring the probate judge of Noble county to make certain records, entries and indexes in the books of his office.

H. B. No. 352; To authorize the trustees of Boston township, Summit county, to levy a tax for a special purpose therein named.

H. B. No. 444; For the relief of Grandison Newell.

H. B. No. 366; To provide for taxing in cost bills the expense of procuring transcripts and records.

S. B. No. 254; To amend the act entitled "an act to amend the several acts incorporating mutual fire insurance companies in the State of Ohio," passed March 27, 1841.

H. B. No. 376; To authorize the lessees, or their assignees, of section 21, town two, range two, between the Miami rivers in Butler county, Ohio, to surrender their leases and receive deeds.

S. J. R. No. 71; Relative to printing the report of the commissioner of statistics.

Attest: JOHN W. KEES, Clerk.

The President of the Senate then, in the presence of the Senate, signed the foregoing bills and resolutions, as required by the constitution.

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Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 253; To enable associations of persons for the improvement of any mineral or medicinal spring or springs in Ohio, to become bodies corporate,

With amendments, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

On motion, said bill was referred to a select committee of one—Mr. Reid.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 76; Relative to printing report of commissioners of Ohio State Library.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. B. No. 430; To enable the Board of Education of the village of Delphos, in the counties of Allen and Van Wert, to convey lot No. 47 in said village.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills of the Senate:

S. B. No. 238; To authorize the sale of surplus copies of the Laws, Journals, and Executive Documents.

S. B. No. 180; To amend section 22 of an act passed March 7, 1831, entitled "an act directing the mode of trial in criminal cases."

S. B. No. 179; Supplementary to an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has concurred in Senate amendments to

H. B. No. 402; Supplementary to an act entitled an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson, passed April 12, A. D. 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry and Licking, with two additional amendments, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

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On motion of Mr. Phelps,

Said bill was laid on the table.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill of the Senate, with amendments, in which the concurrence of the Senate is requested:

S. B. No. 270; To amend the second section of an act to provide for the uniform government and better regulation of the lunatic asylums of the State, and the care of the idiots and the insane.

Attest: JOHN W. KERR, Clerk.

On which amendments the yeas and nays were ordered and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Shideler, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—29.

So said amendments prevailed.

Message from the House of Representatives.

Mr. President:

The House accedes to the request of the Senate for another committee of conference upon the disagreement between the two Houses on

S. B. No. 109; To amend section two of an act passed March 11, 1853, to provide for the publication of the general laws in newspapers and to repeal an act entitled an act to provide for the early publication of the laws, and for other purposes, passed March 23, 1850,

And Messrs. Bagley, Allen, of Ashtabula, and Stout, have been appointed said committee on the part of the House.

Attest: JOHN W. KERR, Clerk.

The President appointed Messrs. Slade and Safford as the committee on the part of the Senate.

Message from the House of Representatives.

Mr. President:

The House accedes to the request of the Senate for a committee of conference upon the disagreement between the two Houses on

H. B. No. 234; To allow the city of Toledo to borrow money for certain purposes therein named,

And Messrs Raymond, Collins, and Rodges of Clark, have been appointed said committee on the part of the House.

Attest: JOHN W. KERR, Clerk.

The President of the Senate then appointed Messrs. Westcott and Thomas as said committee.

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Message from the House of Representatives.

Mr. President:

The House has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 374; To prohibit the carrying or wearing of concealed weapons.

H. B. No. 459; In relation to public records.

Attest: JOHN W. KEES, Clerk.

Said bills were severally read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 364; To authorize the town council of the town of Calais in the county of Monroe, to levy a tax for the purpose of improving the streets in said town, and for other purposes.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No. 386; To compel railroad companies to build culverts and construct outlet ditches in certain cases.

H. B. No. 415; Supplementary to the act entitled "an act to make it the duty of county auditors to levy extra taxes for road purposes, in certain cases," passed May 1, 1854.

H. B. No. 434; To punish trespasses on public and other lands.

Attest: JOHN W. KEES, Clerk.

Said bills were severally read the first time.

Mr. Green, on leave, introduced a bill:

S. B. No. 287; To amend section 91 of an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853; which was read the first time.

Mr. Hatch, from a select committee, reported back

S. B. No. 197; To provide for the renewal, and to regulate the final payment of the funded debt of the State, with an amendment to the pending amendment; which was agreed to.

Said amendment, as amended, was then agreed to.

Mr. Hatch moved to commit said bill to the committee of the whole Senate, and make the same the special order of the day for to-morrow and each succeeding day until disposed of; which was agreed to.

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Mr. Reid, from a select committee, reported back

S. B. No. 253; To enable associations of persons, for the improvement of any mineral or medicinal spring or springs, in Ohio, to become bodies corporate, with the pending House amendments, and recommended that the same be agreed to.

The question then being on agreeing to said House amendment,

The yeas and nays were ordered, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—28.

So said amendments were agreed to.

Mr. Perkey, from the standing committee on Roads and Highways, reported back

S. B. No 234; Providing for the vacating of roads dedicated by private persons to public use, with sundry amendments; which were agreed to.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Safford, from the standing committee on Public Printing, reported back

S. J. R. No. 97; Relative to printing report of the Treasury Investigating Committee, with sundry amendments.

Mr. Winans moved to recommit the resolution and amendments to the standing committee on Printing, with instructions to inquire into, and report to the Senate, the probable cost of the printing, as specified in said resolution and amendments.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 15, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Cantwell, Gard, Gatch, Green, Henkle, Holloway, Kincaid, McCleary, McKelly, Miles, Slade, Smith, Taylor and Winans—15.

Those who voted in the negative were—

Messrs. Cass, Chapman, Corwine, Hatch, Langdon, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Thomas, Vanatta and Westcott—16.

So said motion did not prevail.

Mr. Cadwell moved to refer said resolution, with the pending amendment, to a select committee of one, with instructions to report the probable cost of printing the same, as well the cost of printing 4,000, 8,000 and 20,000 copies.

Mr. Phelps moved that the said resolution and pending amendments be referred to the standing committee on Public Printing, with instructions to inquire what will be the increased cost of each and every copy of the said report, over and above the number now ordered; and what will be the cost of printing 4,000, 8,000, and 20,000.

Which motion having precedence,

The yeas and nays were demanded, and being ordered, resulted—yeas 24, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green,

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Henkle, Holloway, Kincaid, McCleary, McKelly, Miles, Morrow, Perkey, Perrill, Phelps, Shideler, Slade, Smith, Taylor, Westcott and Winans—24.

Those who voted in the negative were—

Messrs. Hatch, Langdon, Murdock, Reid, Safford and Thomas—6.

So said motion prevailed, and said bill was referred to the standing committee on Public Printing.

On motion of Mr. Cantwell,

The committee of the whole was discharged from the further consideration of

S. B. No. 266; To amend the act entitled "an act to incorporate the Franklin and Warren Railroad Company."

Said bill was referred to the standing committee on Railroads.

On motion of Mr. Shideler,

The committee of the whole was discharged from the further consideration of

H. B. No. 380; To amend an act to authorize the incorporation of mutual insurance companies, passed April 14, 1857.

Said bill was referred to the standing committee on Corporations other than Municipal.

On motion of Mr. McCleary,

S. B. No. 85; Providing for enclosing railroads by fences and cattle guards, with the pending amendments, was taken from the table.

The question then being on the amendments of the committee on Municipal Corporations,

On motion of Mr. Langdon,

The Senate took a recess.

THREE O'CLOCK P. M.

Mr. Langdon, on leave, withdrew his report from the Senate of the standing committee on Municipal Corporations.

Mr. Slade, on leave, presented the remonstrance of the council of the city of Cleveland against the bill now in Senate concerning the annexation of a portion of the city of Cleveland to the township of East Cleveland.

On motion, the said remonstrance was laid on the table and ordered to be printed.

Mr. Langdon, from the standing committee on Corporations other than Municipal, reported back

S. B. No. 85; Further to provide for enclosing railroads by fences and cattle guards, with sundry pending amendments, recommending that the same be disagreed to, and that the bill be amended by striking out all after the enacting clause and inserting a new bill.

The question then being on agreeing to the amendments recommended by the standing committee on Railroads, the same was disagreed to.

Mr. Cantwell, from the select committee, by leave of the Senate, withdrew his report from the select committee.

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The question then being on agreeing to the amendment as amended by the standing committee on Corporations other than Municipal, striking out all after the enacting clause and inserting a new bill,

Mr. Henkle demanded a division of the question, and the same turning first upon striking out all after the enacting clause, the same was agreed to.

The question then turning upon inserting,

Mr. McKelly moved to strike out in the 9th line after the words "of the public" the words "and of persons living near the line of such railroad," which was lost.

Mr. Slade moved to amend the amendment by inserting in the 11th line after the word "cattle guards," the words "at public road crossings," which was lost.

Mr. Taylor moved to amend the amendment as follows: strike out the words "proximately or remotely" in the 14th line, which was agreed to.

Mr. Green moved further to amend as follows: strike out in the 12th line after the word "company" the words "and its agents," and after the words "or such party" following "and agents," which was agreed to.

Mr. Gatch moved further to amend as follows: insert after the word "shall," in the third line, the words "and is hereby required," and to strike out the words "are hereby required" in the 5th line, after the words "or freight," which was agreed to.

Mr. Green moved further to amend as follows: strike out the word "ten," in the 18th line, and insert the word "fifty."

Mr. Smith demanded a division of the question.

The question then turning upon striking out "ten," the same was lost.

Mr. McKelly moved further to amend said amendment as follows: strike out all of section 4 and insert section 4 of the original bill, which was disagreed to.

Mr. McKelly moved further to amend by striking out of the proposed amendment all of section 6.

Mr. Langdon moved to strike out in section 6 the words "pro rata" wherever it occurs, which was agreed to.

Mr. Taylor moved to insert after the word "distance" the following: "and the rate of charges for carrying passengers shall always be according to the weight of such passengers."

Pending which,

On motion of Mr. Green,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

FRIDAY, March 11, 1859.

Prayer by the Rev. Mr. Randall.

The President laid before the Senate a communication from the Auditor of State in answer to inquiries of the Senate concerning the claim of H. W. Derby & Co.

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On motion of Mr. Winans,

Said communication was laid on the table and ordered to be printed.

Mr. Slade presented the remonstrance of Andrew Kurez and 79 others, lot owners and residents in that part of the city of Cleveland now sought to be annexed to the township of East Cleveland, against the passage of

S. B. No. 272; Changing the boundaries of said city.

On motion of Mr. Slade,

Said remonstrance was laid on the table.

The following bills were severally read a second time, committed to a committee of the whole Senate, and made the order of the day for this day:

S. B. No. 280; Concerning the Board of Public Works and other officers.

S. B. No. 284; To authorize the city of Cleveland to appoint inspectors of provisions and other articles.

H. B. No. 434; To punish trespassers on public and other lands.

H. B. No. 459; Relative to public records.

The following bills were severally read a second time and disposed of as follows:

H. B. No. 394; To prohibit the carrying or wearing of concealed weapons.

Referred to the standing committee on Municipal Corporations.

H. B. No. 364; To authorize the town council of the town of Calais, Monroe county, to levy a tax for the purpose of improving streets in said town and for other purposes.

Referred to a select committee of one—Mr. Morrow.

H. B. No. 386; To compel railroad companies to build culverts and construct outlet ditches in certain cases.

Referred to the standing committee on Railroads.

H. B. No. 415; Supplementary to the act entitled "an act to make it the duty of county auditors to levy extra taxes for road purposes in certain cases," passed May 1, 1854.

S. B. No. 281; To provide for the semi-annual collection of taxes.

Referred to the select committee on the Revision of the Tax Law.

S. B. No. 234; Providing for the vacating of roads dedicated by private persons to public use,

Was read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 25, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Green, Hatch, Holloway, Kincaid, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Slade, Taylor, Thomas and Vanatta—25.

Those who voted in the negative were—

Messrs. Gatch, Henkle, Langdon, Westcott and Winans—5.

So said bill, having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

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Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 455; Relating to jurors.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 236; Supplementary to an act entitled "an act to incorporate the State Bank of Ohio and other banking companies," passed February 24, 1845.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 224; Supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852,

With amendments, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

On which amendments the yeas and nays were ordered, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Shideler, Slade, Thomas, Vanatta, Westcott and Winans—28.

So said amendments were agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No. 423; To amend the act entitled an act prohibiting any citizen of this State from holding, by appointment, more than one of several offices at the same time.

H. B. No. 431; To authorize the commissioners of Henry county to borrow money to pay the county debt.

H. B. No. 424; To amend section 32 of an act entitled an act regulating the fees of county auditors, passed March 19, 1838, and took effect May 1, 1838.

Attest: JOHN W. KEES, Clerk.

Said bills were severally read the first time.

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Mr. Westcott gave notice, that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to amend an act entitled an act to provide for the partition of real estate, passed March 24, 1851.

Mr. Hatch, on leave, introduced a bill,

S. B. No. 288; Making appropriations for the payment of interest on the State debt, the payment of a portion of the principal thereof, and the payment of the expenses of the board of commissioners of the sinking fund;

Which was read the first time.

Also, by the same,

S. B. No. 289; To reimburse the sinking fund for the deficiency occasioned by the defalcation of the late Treasurer of State, prior to June 10, 1857;

Which was read the first time.

Mr. Safford, from the standing committee on Public Printing, made the following report:

The standing committee on Public Printing, to whom was re-committed Senate Joint Resolution No. 79, relative to printing report of the Treasury Investigating Committee, with instructions "to report increased cost of each and every copy of said report over the number now ordered, also cost of printing 4,000, 6,000 and 20,000 copies," have made the investigation required of them, and submit, in compliance therewith, the following report:

5,000	copies	of	the	report	alone	$ 256 40
4,000	"	"	"	and	evidence	656 00
8,000	"	"	"	"		1,312 00
20,000	"	"	"	"		2,011 00
2,000	"	"	"	in	German	300 00

The above computation is upon the presumption that the report, without the evidence, embraces about 125 pages, and with the evidence, 500 pages, so that it is expected and believed by your committee, that the cost of printing the number included in the resolution will not exceed $3,000 00.

W. H. SAFFORD,
G. P. ASHMUN,
CHAS. THOMAS.

The question then being on agreeing to the amendment reported back by said committee, the same was decided in the affirmative.

The question then being on the adoption of the resolution as amended,

The yeas and nays were ordered, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Slade, Taylor, Thomas, Vanatta, Westcott and Winans—29.

So said resolution was agreed to.

Mr. Morrow, from the standing committee on Schools and School Lands, reported back the petition of T. W. Forshe, on the subject of schools, and asked to be discharged from the further consideration of said petition, which was agreed to.

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Mr. Perkey, from the standing committee on Roads and Highways, reported back

S. B. No. 175; Concerning bridges, without amendment.

On motion of Mr. Henkle,

Said bill was referred to a select committee of one—Mr. Henkle.

Mr. Perkey, from the same committee, reported back

S. B. No. 249; To amend an act entitled "an act to establish alterations in State and county roads," passed March 25, 1854, with amendments, which were agreed to.

Said bill was then ordered to be engrossed and read the third time to-morrow.

Also, from the same committee, reported back

H. B. No. 346; To provide for the working of unfinished turnpike roads by supervisors of the highways.

The question then being on ordering said bill to be read a third time, the same was decided in the affirmative.

Said bill was then ordered to be read a third time to-morrow.

Mr. Cass, from the standing committee on Fees and Salaries, reported by bill,

S. B. No. 290; To amend section 3 of the act entitled an act regulating the fees of sheriffs in civil and criminal cases, passed March 3, 1857;

Which was read the first time.

Mr. Morrow, from a select committee, reported back

H. B. No. 364; To authorize the town council of Calais, in Monroe county, to levy a tax for the purpose of improving streets in said town, and for other purposes, without amendment.

On motion of Mr. Green,

Said bill was laid on the table.

Mr. Green offered for adoption the following joint resolution:

Resolved by the General Assembly of the State of Ohio, (three-fifths of the members of each House consenting thereto), That it be, and is hereby proposed to the electors of the State, to vote at the next annual October State election, upon the approval or rejection of the following amendment, as a substitute for section two of the second article of the constitution of this State, to wit:

Senators shall be elected biennially, and Representatives annually, by the electors, in their respective counties or districts, on the second Tuesday of October. Their terms of office shall commence on the first day of January next thereafter, and the term of office for Senators shall continue for two years, and for Representatives one year. At the session of the General Assembly to commence on the first Monday of January, in the year of our Lord one thousand eight hundred and sixty, the Senators shall be divided, by lot, from their respective counties or districts, as near as can be, into two classes; the seats of the Senators of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half thereof, as near as possible, may be annually chosen forever thereafter.

On motion, said resoluiton was referred to the select committee on the subject of annual sessions.

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Mr. Phelps offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That the report of Messrs. Edgerton, Reemelin and Morgan, be referred to a joint select committee, to consist of three on the part of the Senate, and —— on the part of the House, who are instructed to examine and report what legislation, if any, is necessary to give effect to the findings and recommendations of the said Commission, with leave to report by bill or otherwise.

On which resolution the yeas and nays were ordered, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Slade, Taylor, Vanatta, Westcott and Winans—29.

So said resolution was agreed to.

On motion of Mr. McCleary,

S B. No. 85; Further to provide for enclosing railroads by fences and cattle guards, with the pending amendment, was taken from the table.

The question then being on the amendment of Mr. Taylor, the same was withdrawn.

The question then being on agreeing to the amendment of Mr. McKelly to the amendment striking out all of section six of said amendment,

Mr. Langdon moved further to amend as follows:

After the word "passengers," in section six, lines two and three, insert the words "an uniform rate per mile for all distances of thirty miles or more," and strike out all of line three after the word "passengers," and all of line four to the words "and in."

The same was agreed to.

The question then recurring on striking out the sixth section of said amendment,

The yeas and nays were demanded, and being ordered, resulted—yeas 13, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Corwine, Green, Hatch, Henkle, Holloway, Kincaid, McKelly, Murdock, Shideler, Schleich, Taylor and Winans—13.

Those who voted in the negative were—

Messrs. Cadwell, Cass, Chapman, Gard, Gatch, Langdon, McCleary, Miles, Morrow, Perkey, Perrill, Phelps, Safford and Westcott—14.

So said motion did not prevail.

Mr. Green moved further to amend as follows:

Strike out the words "or such party," in the twelfth line in first section.

On motion of Mr. Langdon,

The Senate took a recess.

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THREE O'CLOCK P. M.

The question then being on striking out the words "or such party," in the twelfth line, the same was agreed to.

Mr. Gatch moved to amend the amendment, as an additional section—

SEC. 7. It shall be unlawful for any railroad company or other party having the control and management of a railroad, and not by any existing law expressly authorized to charge and receive a higher rate, to demand and receive for the transportation of passengers on such road, more than three cents per mile, and for the transportation of freight more than five cents per mile, for any distance; and for every violation of the provisions of this section, the company or other party guilty of such violation shall forfeit and pay to the party aggrieved, a sum not less than five nor more than fifty dollars, to be recovered by civil action in any court of competent jurisdiction.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 8, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Chapman, Gard, Gatch, Langdon, Phelps and Safford—8.

Those who voted in the negative were—

Messrs. Cass, Corwine, Green, Hatch, Henkle, Kincaid, McCleary, McKelly, Morrow, Murdock, Perkey, Perrill, Shideler, Taylor, Thomas, Vanatta, Westcott and Winans—18.

So said motion did not prevail.

Mr. Green moved further to amend said amendment as follows: Add as an additional section,

"That, in any case, where cattle, horses, cows, or any other animal, gets upon the track of any railroad in this State, by reason of the leaving down of any fence, or leaving open any gate, and are killed on said track by any of the trains of any such company, and said cattle, horses, cows, or other animals, are the property of the person owning or occupying the land adjoining, and have gained access to said railroad through said fences left down, or gates left open, by said owner or occupyer, or their agents or employees, in such case the person owning said cattle, horses, cows, or other animals, shall have no claim upon such railroad company for damages on account of said killing of said animal or animals."

Which was lost.

Mr. Shideler moved to amend as follows: At the end of section one, add, as a proviso—

"Provided further, that any person or persons, desiring a private crossing or crossings, as contemplated by this act, shall be responsible for one-half the expense of constructing and maintaining the same."

Which was agreed to.

The question then being on agreeing to the amendment reported by the standing committee on Corporations other than Municipal, the same was agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk and ordered to be read a third time now.

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Said bill was then read the third time, and the question being,

"Shall the bill pass?"

Mr. Green moved to amend said bill as follows: Strike out of line five, section five, the words "or other party aforesaid." Which was lost.

Mr. Safford moved a call of the Senate; which was ordered, and 29 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 17, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Cantwell, Chapman, Corwine, Gard, Gatch Kincaid, Langdon, McCleary, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Thomas and Vanatta—17.

Those who voted in the negative were—

Messrs. Ashmun, Cass, Green, Hatch, Henkle, McKelly, Miles, Morrow, Schleich, Taylor, Westcott and Winans—12.

So said bill, not having received a constitutional majority, was lost.

Mr. Hatch moved that the Senate resolve itself into a committee of the whole on the special orders of the day; which was lost.

On motion of Mr. McCleary, the vote by which

S. B. No. 85; Further to provide for enclosing railroads by fences and cattle guards, was lost, was reconsidered.

Mr. Cantwell moved to refer said bill to a select committee of one.

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Shideler, Schleich, Taylor, Thomas, Vanatta, Westcott and Winans—27.

So said motion prevailed, and said bill was referred to a select committee of one, Mr. Cantwell.

Mr. Green moved that the committee of the whole be discharged from the further consideration of

H. B. No. 146; To provide for the removal of the seat of justice of Perry county, from the town of New Lexington to the town of Somerset, in said county;

Which was lost.

Mr. Taylor moved that said bill be made the special order for Wednesday, the 16th of March, and from day to day until disposed of; which was agreed to.

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Mr. Safford rose to a question of privilege and offered for adoption the following resolution:

WHEREAS, The members of this body have read, with indignation and surprise, a statement of Thomas H. Ford, before the Treasury Investigating Committee, as published in the "Ohio State Journal" of this morning, intimating his knowledge of the favorable sentiment of the Senate towards the passage of a bill, introduced or to be introduced into the House of Representatives at the last session of the Legislature, at the instance of the said Ford and R. G. Pennington, for the relief of John G. Breslin and W. H. Gibson and their securities, which statement is false and basely slanderous to every member of this body, and tends to degrade the Senate in the estimation of the public, therefore,

Resolved, That a select committee of three be appointed, with power to send for persons and papers, to inquire into the reason for the statement of Thomas H. Ford, in his evidence before the Treasury Investigating Committee, that they, the said Ford and Pennington, "felt certain of its (the bill) going through the Senate," and that said committee report thereon at the earliest practicable period.

On which resolution the yeas and nays were demanded and being ordered, resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Taylor, Thomas, Vanatta, Westcott and Winans—29.

So said resolution was agreed to.

The President laid before the Senate a communication from the Governor through his private secretary, A. M. Gangewer, Esq., appointing Ferguson Anderson as trustee of Miami University, in place of Charles Anderson, resigned.

Referred to the standing committee on Executive Nominations.

Also, from the Secretary of State, a communication relative to certain inquiries concerning laws and documents laying in the several counties in this State.

Laid on the table and ordered to be printed.

On motion of Mr. Hatch,

The committee of the whole was discharged from the further consideration of

S. B. No. 197; Further to provide for the renewal and regulation of the funded debt of the State of Ohio.

On motion of the same, said bill was recommitted to the same committee, and made the special order of the day for Saturday, the 12th day of March, and from day to day until disposed of.

Mr. Schleich, from the standing committee on Public Works, reported back

S. B. No. 220; To let the superintendence and repairs of the Public Works of the State, by contract, with sundry amendments, and said bill was laid on the table and ordered to be printed as proposed to be amended.

Mr. Cantwell, from a select committee, reported back

S. B. No. 85; Further to provide for enclosing railroads by fences and cattle-guards, with amendments.

A division of the question being demanded, and the question turning first upon agreeing to the first amendment, the same was agreed to.

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The question then being on agreeing to the second amendment, the yeas and nays were demanded and being ordered, resulted—yeas 19, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Corwine, Green, Hatch, Henkle, Kincaid, McCleary, McKelly, Miles, Morrow, Shideler, Schleich, Taylor, Thomas, Vanatta, Westcott and Winans—19.

Those who voted in the negative were—

Messrs. Cadwell, Chapman, Gard, Gatch, Langdon, Perrill, Phelps and Safford —8.

So said amendment prevailed, and said section 6, was stricken out.

Mr. McKelly moved further to amend by inserting between the words "crossings" and "as" in the proviso to end of 1st section the words "and cattle-guards," which was agreed to.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 23, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Chapman, Corwine, Gard, Gatch, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Taylor, Thomas, Vanatta and Westcott—23.

Those who voted in the negative were—

Messrs. Cass, Green, Hatch, Henkle, Schleich and Winans—6.

So said bill, having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

Mr. Ashmun asked and obtained leave of absence until next Tuesday.

On motion of Mr. Thomas,

The committee of the Whole was discharged from the further consideration of

H. B. No. 417; Amendatory to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1832, and

Said bill was referred to the standing committee on Municipal Corporations.

On motion of Mr. Green,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

SATURDAY, March 12, 1859.

Mr. Phelps presented the petition of Mattie J. Blanchard, and 350 others, upon the subject of woman's rights.

Referred to the select committee on that subject.

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The President announced as the select committee to which was referred the resolution concerning the report of the Treasury investigation—Messrs. Safford, Cadwell and McKelly.

The following bills were severally read a second time, committed to a committee of the whole Senate, and made the order of the day for this day.

H. B. No. 431; To authorize the commissioners of Henry county to borrow money to pay the county debt.

H. B. No. 455; Relating to jurors.

H. B. No. 423; To amend the act entitled "an act prohibiting any citizen of this State from holding by appointment, more than one of several offices therein named, at the same time.

H. B. No. 424; To amend section 34 of an act entitled "an act regulating the fees of county auditors," passed March 19, 1838, and took effect May 1, 1838.

S. B. No. 283; To amend section 45 of the act entitled "an act for the re-organization, supervision and maintenance of common schools," passed March 1, 1853,

Was read the second time and referred to the committee on Schools and School Lands.

S. B. No. 285; To define and limit the provisions of an act entitled "an act supplementary to an act entitled 'an act to provide for the organization of cities and incorporated villages,' passed May 3, 1852, and the acts amendatory thereof and supplementary thereto," passed April 14, 1857,

Was read a second time and referred to the standing committee on the Judiciary.

S. B. No. 282; To provide more effectually for the safe keeping of the securities deposited by banks, and for the redemption of their notes,

Was read the second time and committed to the standing committee on Finance.

S. B. No. 249; To amend an act entitled "an act to establish alterations in State and county roads," passed March 25, 1854,

Was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted, yeas 20, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Phelps, Shideler, Schleich, Taylor and Thomas—20.

Mr. Westcott voted in the negative.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 346; To provide for the working of unfinished turnpike roads by supervisors of the highways,

Was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 20, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Mc-

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Cleary, McKelly, Miles, Morrow, Murdock, Perkey, Phelps, Taylor, Thomas, Vanatta, Westcott and Winans—20.

Those who voted in the negative were—

Messrs. Langdon, Shideler and Schleich—3.

So said bill, having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 242; To amend section one of the act entitled "an act to amend section 66 of an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed March 4, 1853.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 127; To provide for the removal of the seat of justice of Paulding county from the town of Paulding to the town of Charloe, in said county, with an amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

On motion, said bill was referred to a select committee of one—Mr. Phelps.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 456; To authorize associations of persons for carrying freight on any of the navigable waters of the State of Ohio, and the lakes and navigable rivers bordering thereon.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 461; To relieve the sureties of executors and administrators.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

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Mr. Westcott, on leave, and in pursuance of notice, introduced a bill:

S. B. No. 291; Supplementary to an act entitled "an act to provide for the partition of real estate," passed February 13, 1831, and the several acts amendatory thereof; which was read the first time.

Mr. Schleich, on leave, introduced a bill:

S. B. No. 292; Making appropriations for the maintenance and repairs of the Public Works of the State, for the year 1859, and the first quarter of the year 1860; which was read the first time.

Mr. Hatch, on leave, from the standing committee on Finance, introduced a bill:

S B. No. 293; Making appropriations for the year 1859; which was read the first time.

Mr. Hatch, on leave, introduced a bill:

S. B. N. 294; Making appropriations in part for the first quarter of the year 1860; which was read the first time.

Mr. Phelps, from the standing committee on the Judiciary, reported back

H. B. No. 403; To authorize the lessees of ministerial section 29, in Salem township, Meigs county, to surrender their leases and receive deeds.

The question then being shall the bill be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Safford, Shideler, Taylor, Thomas, Westcott and Winans—22.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from the same committee, reported back

S. B. No. 237; To amend section 417 of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Safford, Shideler, Taylor, Thomas, Westcott and Winans—22.

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So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from the same committee, reported back

S. B. No. 258; Supplementary to an act entitled "an act to establish a code of civil procedure," passed March 11, 1853, with an amendment; which was agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 20, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Gard, Gatch, Green, Hatch, Henkle, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Safford, Shideler, Taylor, Thomas, Westcott and Winans—20.

Mr. Corwine voted in the negative.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Corwine, from the standing committee on Retrenchment, reported back the petition of William Swift relative to certain duties of county officers and the per diem of members of the General Assembly, and asked to be discharged from the same, which was agreed to.

Mr. Phelps, from the select committee, reported back

S. B. No. 127; To provide for the removal of the seat of justice of Paulding county, Ohio, from the town of Paulding to the town of Charloe, in said county,

With an amendment to the pending House amendment, which was agreed to.

The question then being on said House amendment as amended,

The yeas and nays were ordered, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Taylor, Thomas, Westcott and Winans—25.

So said amendment, as amended, was agreed to.

Mr. Langdon, from a select committee, reported back

H. J. R. No. 65; Relative to a *sine die* adjournment of this General Assembly, with one amendment.

Mr. Langdon moved to amend the amendment by adding "at 12 o'clock A. M.," which was agreed to.

The question then being on agreeing to said amendment as amended, the same was agreed to,

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The question then being on the resolution as amended, the same was agreed to.

Mr. Green asked and obtained leave of absence for this afternoon.

On motion of Mr. Cass,

The committee of the whole was discharged from the further consideration of

S. B. No. 276; For the relief of Samuel Ketchum, treasurer of Coshocton county,

And said bill was referred to the standing committee on the Judiciary.

Mr. Westcott asked to be excused from serving upon the conference committee on the Toledo bill, which was agreed to.

Mr. Safford, from the select committee of conference on

S. B. No. 109; To amend section two of an act passed March 11, 1853, to provide for the publication of the general laws in newspapers, and to provide for an early publication of the laws, and for other purposes, passed March 23, 1850, reported the same back, with the following amendments:

1st amendment—Section one, line six, after the word "auditor," insert "probate judge and prosecuting attorney."

2d amendment—Section one, line twenty, after the word "county," insert "provided that in no case shall the same be published in two papers of one party, if two of opposite politics are published therein."

The question then being on agreeing to the amendments reported by the committee,

The yeas and nays were ordered, and resulted—yeas 14, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Gard, Green, Hatch, Henkle, Langdon, McKelly, Morrow, Murdock, Phelps, Safford, Schleich, Thomas and Westcott—14.

Those who voted in the negative were—

Messrs. Cadwell, Chapman, Gatch, McCleary, Miles, Taylor and Winans—7.

So said amendments did not prevail.

Mr. Safford moved that the vote by which said amendments were lost, be reconsidered, and that that motion to reconsider be laid on the table; which was agreed to.

Mr. Miles moved that the committee of the whole be discharged from the further consideration of

S. B. No. 260; To provide for the taking of interest;

Which was agreed to, and said bill was referred to a select committee of three—Messrs. Miles, Schleich and Gatch.

Mr. Morrow moved that

H. B. No. 343; To authorize the town council of the incorporated village of Calais to borrow money for street purposes in said town, and for other purposes,

Be taken from the table, and that said bill be referred to the standing committee on Municipal Corporations, which was agreed to.

On motion of Mr. Phelps,

The Senate took a recess.

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THREE O'CLOCK P. M.

A call of the Senate was had, and 16 members answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several members appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

Mr. Taylor was appointed a member of the conference committee on the Toledo loan bill, vice Mr. Westcott, resigned.

Mr. Gatch offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That the Board of Trustees of the asylum for the education of the blind be, and are hereby authorized to retain Miss Harriet Holdeman in said asylum as a pupil a further period not exceeding two years.

On motion of Mr. Taylor,

Said resolution was amended by adding the following:

Provided she can be so retained without thereby excluding any pupil legally entitled to admission into said asylum.

On motion of Mr. Thomas,

Said resolution, as amended, was referred to the standing committee on Benevolent Institutions.

The President laid before the Senate a communication from the President of the Board of Public Works, which was referred to the standing committee on Public Works.

On motion of Mr. Westcott,

The resolution relative to the claim of Miles Greenwood was taken up and passed, as follows:

Resolved, That the standing committee on Finance be, and they are hereby instructed to provide, in the general appropriation bill, for the payment of the claim of Miles Greenwood, amounting to the sum of three thousand seven hundred and fifty-six dollars and seventy-one cents ($3,756 71), with interest from May 2, 1856, to be received by said Greenwood in full, for his claim for heating apparatus, labor and material, for the Ohio Central Lunatic Asylum.

Mr. Langdon asked and obtained leave of absence till Tuesday.

On motion of Mr. Safford,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

MONDAY, MARCH 14, 1859.

Prayer by the Rev. Mr. Morris.

The following bills were severally read the second time, committed to a committee of the Whole, and made the order of the day for this day:

H. B. No. 461; To relieve the sureties of executors and administrators.

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H. B. No. 456; To authorize associations of persons for carrying freight on any of the navigable waters of the State of Ohio, and the lakes and navigable rivers bordering thereon.

S. B. No. 288; Making appropriations for the payment of interest on the State debt, the payment of a portion of the principal thereof, and the payment of the expenses of the board of commissioners of the sinking fund,

Was read a second time and referred to the standing committee on Finance.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 23; Providing for inclosing railroads by fences and cattle guards.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following:

S. J. R. No. 79; Relative to printing report of the Treasury Investigating Committee.

Attest: JOHN W. KEES, Clerk.

Mr. Corwine, on leave, introduced a bill,

S. B. No. 295; To authorize the commissioners of Pike county to borrow money for bridge purposes,

Which was read the first time.

Mr. Taylor, from the standing committee on Finance, reported back

S. B. No. 282; To provide more effectually for the safe keeping of the securities deposited by banks, and for the redemption of their notes,

With one amendment, which was agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk and ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Langdon, McCleary, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Taylor, Thomas and Westcott—23.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

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Mr. Thomas, from the standing committee on Municipal Corporations, reported back

H. B. No. 374; To prohibit the carrying or wearing of concealed weapons,

With one amendment, which was agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

Mr. Perkey moved to indefinitely postpone said bill,

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 2, nays 20, as follows:

Those who voted in the affirmative were—

Messrs. Cass and Perkey—2.

Those who voted in the negative were—

Messrs. Cadwell, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Langdon, McCleary, McKelly, Miles, Murdock, Perrill, Phelps, Safford, Shideler, Taylor, Thomas and Westcott—20.

So said motion did not prevail.

Mr. Green moved to refer said bill to a select committee of three, which was agreed to, and Messrs. Green, Thomas and Westcott were appointed said committee.

Mr. Hatch, from a select committee, reported back

S. B. No. 231; To amend sections 6 and 25 of the act entitled "an act to further provide for the better regulation of the receipt, disbursement and safe keeping of the public revenue," passed April 12, 1858;

With amendments, and on motion, said bill was laid on the table and ordered to be printed as proposed to be amended.

Mr. Hatch, from a select committee, reported back

S. B. No. 274; To authorize the commissioners of Hamilton county, to contract for the building of a roadway or bridge for public use across Millcreek, in said county.

Mr. Phelps moved to recommit said bill to a select committee of the member from Hamilton county; which was agreed to.

Message from the House of Representatives.

Mr. President:

The House has agreed to the report of the committee of conference on the subjuect matter of difference on

H. J. R. No. 80; Relative to an examination of the terrace on the east side of the Capitol.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Westcott,

The Senate resolved itself into a committee of the whole on the special order of the day, being

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S. B. No. 197; To provide for the renewal and better regulation of the funded debt of the State of Ohio, Mr. Cadwell in the chair; and after some time spent therein, rose and reported the same back with sundry amendments; which were agreed to.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendment to
H. J. R. No. 65; Relative to a *sine die* adjournment of this General Assembly, with an amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

Mr. Phelps moved that the Senate disagree to said House amendment.

On which motion, the yeas and nays were demanded, and being ordered resulted—yeas 12, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Corwine, Hatch, Langdon, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Taylor, Thomas and Westcott—12.

Those who voted in the negative were—

Messrs. Cadwell, Chapman, Gard, Gatch, Green, Holloway, McCleary, McKelly and Miles—9.

So the motion prevailed, and the Senate disagreed to said House amendment.

On motion of Mr. Green,

The Senate took a recess.

THREE O'CLOCK P. M.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills and joint resolutions, which are now ready for the signature of the President of the Senate:

S. B. No. 236; Supplementary to an act entitled "an act to incorporate the State Bank of Ohio and other banking companies," passed February 24, 1845.

S. B. No. 242; To amend section one of the act entitled "an act to amend section 66 of an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed March 4, 1858.

H. B. No. 441; To provide for the appointment of police commissioners in cities of the first class, having a population exceeding eighty thousand inhabitants, and supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the other acts supplementary and amendatory thereto.

S. B. No. 179; Supplementary to an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853.

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S. B. No. 180; To amend section 22 of an act passed March 7, 1831, entitled an act directing the mode of trial in criminal cases.

S. B. No. 238; To authorize the sale of surplus copies of the laws, journals and executive documents.

S. B. No. 245; To amend an act passed April 15, 1857, entitled an act to authorize the commissioners of Hamilton county to surrender the lower river road, and the extension thereof, to the creditors and bondholders of said road.

S. J. R. No. 76; Relative to printing report of commissioners of Ohio State Library.

H. B. No. 330; To authorize the commissioners of the county of Lawrence, in this State, to set apart a portion of the funds collected for road purposes, and to make specific appropriations of the same.

H. B. No. 388; To authorize county commissioners to fill vacancies in certain cases.

H. B. No. 430; To enable the Board of Education of the village of Delphos, in the counties of Allen and Van Wert, to convey lot No. 47 in said village.

H. B. No. 336; To provide for districting any county in the State where the commissioners of said county have failed to district in accordance with the provisions of an act to amend an act, passed April 13, 1852, entitled "an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," passed April 12, 1858.

S. B. No. 270; To amend the second section of an act to provide for the uniform government and better regulation of the lunatic asylums of the State, and the care of the idiots and the insane.

S. B. No. 224; Supplementary to an act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

Attest: JOHN W. KEES, Clerk.

The President of the Senate then signed the foregoing bills and resolutions, in the presence of the Senate, as required by the constitution.

Mr. Langdon, on leave, introduced a bill:

S. B. No. 296; To amend section two of an act entitled "an act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein," passed March 10, 1857;

Which was read the first time.

Mr. Perkey, from the standing committee on Roads and Highways, reported back

S. B. No. 293; To amend section six of an act entitled an act supplementary to an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed February 13, 1853, and to repeal an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed April 8, 1856; also prescribing the duties of county commissioners, county auditors, township clerks and supervisors; also to repeal certain other acts therein named, passed April 12, 1858.

On motion of Mr. Westcott,

Said bill was laid on the table.

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Also, from the same committee, reported back

S. B. No. 204; Supplementary to an act entitled an act supplementary to an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed February 13, 1853, and to repeal an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed April 8, 1856; also prescribing the duties of county commissioners, county auditors, township clerks and supervisors; also to repeal certain other acts therein named, passed April 12, 1858,

And recommended that said bill be indefinitely postponed.

On motion of Mr. Perkey,

Said bill was recommitted to the standing committee on Roads and Highways.

Mr. Perkey, from the same committee, reported back

S. B. No. 222; To amend an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed February 13, 1853,

And recommended that the same be indefinitely postponed.

On motion of Mr. Winans,

Said bill was referred to a select committee of one—Mr. Winans.

Mr. Perkey, from the same committee, reported back

S. B. No. 268; To provide for the removal of obstructions from turnpikes and plankroads,

And recommended that the same be indefinitely postponed.

On motion of Mr. Henkle,

Said bill was referred to a select committee of one—Mr. Henkle.

Also, from the same committee, reported back

H. B. No. 333; Amendatory of the twelfth section of the act to provide for laying out and establishing free turnpike roads, passed March 12, 1845,

Without amendment, and recommended the passage of the same.

The question then being on ordering said bill to be read a third time, the same was decided in the affirmative.

Said bill was then ordered to be read a third time to-morrow.

On motion of Mr. Phelps,

The Senate resolved itself into a committee of the whole on the orders of the day, Mr. Shideler in the chair, and after some time spent therein, rose and reported back sundry bills, some with, and some without amendment, as follows:

H. B. No. 231; To provide for locating, establishing, and constructing ditches, drains and water courses,

With sundry amendments, which were agreed to.

The question then being on agreeing to the amendment as amended, the same was agreed to.

The question then being on ordering said bill to be read a third time, the same was decided in the affirmative.

Said bill was then ordered to be read a third time to-morrow.

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S. B. No. 277; Supplementary to an act entitled "an act to authorize the incorporation of mutual insurance companies," passed April 14, 1857,

Without amendment, and said bill was referred to the standing committee on Municipal Corporations.

S, B. No. 280; Concerning the Board of Public Works, and other officers of the State,

Without amendment, and said bill was referred to the standing committee on Public Works.

Mr. Cass, from a select committee, reported the following resolution, which was, together with the report of the same committee, laid on the table and ordered to be printed.

Resolved by the General Assembly of the State of Ohio, Three-fifths of the members elected to each house concurring therein, that it be and is hereby proposed to the electors of this State to vote on the second Tuesday of October next to approve or reject the following amendment as a substitute for section 18, article 16 of the comtitution, and also the separate section of article 15, as specified in section 18 aforesaid.

The authority to grant license to traffic in intoxicating liquors may be conferred by general laws upon the authorities of municipal corporations, the courts or the boards of county commissioners, or the General Assembly may by law, otherwise provide against evils resulting from the sale thereof.

On motion of Mr. Smith,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

TUESDAY, March 15, 1859.

Prayer by the Rev. Mr. Morris.

The following bill was read a second time, committed to a committee of the Whole, and made the order of the day for this day.

S. B. No. 290; To amend section 3 of the act entitled "an act regulating the fees of sheriffs in civil and criminal cases," passed March 13, 1857.

S. B. No. 286; To amend the act passed March 17, 1856, supplementary to an act passed March 2, 1853, to provide for draining and reclaiming certain swamp and overflowed lands,

Was read a second time, and referred to a select committee of one—Mr. Gatch.

S. B. No. 287; To amend section 91 of an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts, passed March 14, 1853,

Was read a second time, and referred to the standing committee on the Judiciary.

S. B. No. 289; To reimburse the sinking fund for the deficiency occasioned by the defalcation of the late Treasurer of State, prior to June 10, 1857,

Was read the second time, and referred to the standing committee on Finance.

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H. B. No. 23; Providing for inclosing railroads by fences and cattle guards,

Was read a second time, and referred to the standing committee on Corporations other than Municipal.

H. B. No. 333; Amendatory of the 12th section of the act to provide for laying out and establishing free turnpike roads, passed March 12, 1845,

Was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 18, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Chapman, Corwine, Green, Hatch, Kincaid, McCleary, Morrow, Murdock, Perkey, Phelps, Safford, Taylor, Westcott and Winans—18.

Those who voted in the negative were—

Messrs. Buckland, Gatch, Langdon, Shideler and Thomas—5.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 197; To provide for the renewal, and to regulate the final payment of the funded debt of the State,

Was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Taylor, Thomas, Vanatta Westcott and Winans—31.

So said bill having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

H. B. No. 231; To provide for locating, establishing and constructing ditches, drains and water courses,

Was read a third time, and the question being,

"Shall the bill pass?"

Mr. Winans moved to amend said bill as follows:

Strike out all of section eight after the word "allow," in the third line, and insert: "and all other fees and costs accruing under this act shall be the same as provided by law for like services in other cases; and all costs, expenses, costs of construction, fees and compensation for property appropriated, which shall accrue and be assessed and determined under this act, shall be paid out of the county treasury, out of the general fund, on the order of the county auditor; provided, that no part of the same, except the compensation for property appropriated, shall be paid out of the county treasury till the same shall have been levied and collected as provided in the next section of this act.

2d. Strike out the proviso at the end of section 9.

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On motion of Mr. Gatch,

Said bill, with the pending amendment, was referred to the select committee which reported the same back.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 457; To authorize the opening of a county road through lands owned by the State, in Franklin county, Ohio.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House concurs in Senate amendments to House amendments to

S. B. No. 127; To provide for the removal of the seat of justice of Paulding county, Ohio, from the town of Paulding to the town of Charloe, in said county.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 81; Relative to appointment of a joint select committee on the report of Messrs. Edgerton, Reemelin and Morgan; with an amendment, in which the concurrence of the Senate is requested—as follows:

Fill the blank in the resolution with the word "five,"

And the House has appointed, upon its part, as the committee on said resolution, Messrs. Jackson, Andrews, Dobmeyer, Ambler and Edson.

Attest: JOHN W. KEES, Clerk.

Said amendments were agreed to.

Message from the House of Representatives.

Mr. President:

The House recedes from its amendment to Senate amendment to

H. J. R. No 65; Relative to a *sine die* adjournment of the General Assembly, and has agreed to original Senate amendment.

Attest: JOHN W. KEES, Clerk.

Mr. Phelps, from the standing committee on the Judiciary, reported back

S. B. No. 1; To provide for the sale or lease of estates tail in certain cases, with amendments; which were agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

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Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 30, nays none, as follows

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Safford, Shideler, Schleich, Taylor, Thomas, Vanatta, Westcott and Winans—30.

So said bill, having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

Mr. Kincaid, from the standing committee on Public Benevolent Institutions, reported back

S. J. R. No. 82; Relative to retaining Harriet Holdeman in the Blind Asylum, without amendment.

The question then being on the adoption of the resolution,

The yeas and nays were demanded, and being ordered, resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Safford, Shideler, Schleich, Taylor, Thomas, Vanatta, Westcott and Winans—30.

So said resolution was agreed to.

Mr. Hatch, from the standing committee on Finance, reported back

S. B. No. 288; Making appropriations for the payment of interest on the State debt, the payment of a portion of the principal thereof, and the payment of the expenses of the Board of Commissioners of the Sinking Fund, with an amendment; which was agreed to.

Said bill was then ordered to be engrossed, and read a third time to-morrow.

Mr. Thomas, from the standing committee on Municipal Corporations, reported back

H. B. No. 417; Amendatory to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, without amendment.

The question then being on ordering said bill to be read a third time, the same was decided in the affirmative.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 25, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Corwine, Gatch, Green,

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Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Phelps, Safford, Schleich, Taylor, Thomas, Vanatta and Winans—25.

Those who voted in the negative were—

Messrs. Chapman, Gard, Perrill, Shideler and Westcott—6.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Winans, from a select committee, reported back

S. B. No. 226; Providing for juries in the trial of offenses before justices of the peace in certain cases, with amendments; which were agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed, and ordered to be read a third time to-morrow.

Mr. Hatch, from a select committee, reported back

S. B. No. 274; To authorize the commissioners of Hamilton county to contract for the building of a road-way or bridge across Millcreek, in said county, with amendments; which were agreed to.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Green, from a select committee, reported back

H. B. No. 374; To prohibit the carrying or wearing of concealed weapons.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 22, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, McCleary, Morrow, Perrill, Phelps, Safford, Shideler, Schleich, Taylor, Thomas, Vanatta and Westcott—22.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Miles, Murdock and Winans—5.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Chapman, from the select committee, made a report relative to the charity school of Kendal, Stark county, Ohio, which was laid on the table and ordered to be printed.

Mr. Winans, from a select committee, reported back

H. B. No. 231; To provide for locating, establishing and constructing ditches, drains and water courses,

With one amendment, which was agreed to.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard,

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Gatch, Green, Hatch, Henkle, Holloway, Kincaid, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Taylor, Thomas, Westcott and Winans—29.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Schleich offered for adoption the following joint resolution:

S. J. R. No. 84; *Resolved by the General Assembly of the State of Ohio*, That the attorney general be, and he is hereby instructed to assist such counsel as the commissioners of Fairfield county may select, in defending the suit now pending in the district court of the United States for the southern district of Ohio, and, if necessary, in prosecuting the same, by error or otherwise, to the supreme court of the United States, wherein Elias Plum is plaintiff and P. C. Benadum, county treasurer of Fairfield county, and others, are defendants: said suit being brought by said Plum as a foreign stockholder, on behalf of the Hocking Valley Branch of the State Bank of Ohio, in order to resist the payment, on the part of said bank, of its taxes, as assessed under the laws of this State.

On motion of Mr. Schleich,

Said resolution was referred to the standing committee on Finance.

On motion of Mr. Morrow,

The committee of the whole was discharged from the further consideration of

H. B. No. 427; Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852,

And said bill was referred to the standing committee on Corporations other than Municipal.

On motion of Mr. Safford,

S. J. R. No. 78; Relative to an amendment to the constitution, preventing persons of African descent from voting,

Was taken from the table.

The question then being on the passage of the resolution,

The yeas and nays were ordered, and resulted—yeas 21, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Gard, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—21.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cadwell, Gatch, Green, Henkle, Holloway, McCleary, Miles, Taylor and Winans—11.

So said resolution was agreed to.

On motion of Mr. Schleich,

The Senate took a recess.

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THREE O'CLOCK P. M.

Mr. Hatch, from the standing committee on Finance, reported back

S. B. No. 289; To reimburse the sinking fund for the deficiency occasioned by the defalcation of the late Treasurer of State, prior to June 10, 1857,

With amendments, which were agreed to.

Said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Taylor,

S. J. R. No. 75; Relative to tonnage duties on merchandise passing over the Ohio and Pennsylvania Railroad,

Was taken from the table.

The question then being on the adoption of the resolution,

The yeas and nays were demanded, and being ordered, resulted—yeas 29, nays none, as follows :

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, McCleary, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Taylor, Thomas Vanatta, Westcott and Winans—29.

So said resolution was agreed to.

The preamble of the resolution was then agreed to.

On motion of Mr. Cadwell,

H. B. No. 107; Regulating the mode of assignment in trust for the benefit of creditors,

Was taken from the table.

The question then being on agreeing to the Senate amendments to said bill, the same was agreed to.

The question then being on ordering said bill to be read a third time, the same was decided in the affirmative.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass ?"

On motion of Mr. Phelps,

The vote by which said bill was ordered to its third reading, was reconsidered.

On motion of the same, said bill was referred to a select committee of three—Messrs. Green, Phelps and Winans.

Mr. Henkle, from a select committee of one, reported back

S. B. No. 175 ; Concerning bridges ; with amendments.

Mr. Canfield moved that said bill, with the pending amendments, be indefinitely postponed.

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On which motion the yeas and nays were ordered, and resulted—yeas 12, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Gatch, McCleary, McKelly, Murdock, Perrill, Safford, Smith, Taylor, Thomas and Westcott—12.

Those who voted in the negative were—

Messrs. Buckland, Cantwell, Cass, Chapman, Corwine, Gard, Green, Hatch, Henkle, Holloway, Kincaid, Miles, Morrow, Phelps, Shideler, Schleich, Vanatta and Winans—18.

So said motion did not prevail.

The question then being on agreeing to said amendment, the same was agreed to.

The question then being on ordering said bill to be engrossed,

Mr. Perkey moved to refer said bill to a select committee of three, which was agreed to.

Mr. Green moved to take from the table the motion to reconsider the vote by which

H. B. No. 11; To establish a superior court in Butler county, was lost;

Which was agreed to.

The question then being on the reconsideration of said vote,

The yeas and nays were demanded and being ordered, resulted—yeas 14, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Hatch, Henkle, Kincaid, Langdon, McKelly, Murdock, Perrill, Safford, Smith, Thomas, Westcott and Winans—14.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cadwell, Chapman, Gard, Gatch, Green, Holloway, McCleary, Miles, Morrow, Perkey, Phelps, Shideler, Schleich and Taylor—16.

So said resolution to reconsider did not prevail.

On motion of Mr. Taylor,

The committee of the Whole was discharged from the further consideration of the remonstrance of Thos. McLean and 155 other citizens of Warren, Trumbull county, against the passage of the bill to amend the charter of the Franklin and Warren railroad company, and said remonstrance was referred to the standing committee on Railroads.

On motion of Mr. Kincaid,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

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WEDNESDAY, MARCH 16, 1859.

Prayer by the Rev. Mr. Morris.

H. B. No. 457; To authorize the opening of a county road through lands owned by the State in Franklin county, Ohio;

Was read a second time, and referred to a select committee of one—Mr. Phelps.

S. B. No. 226; Providing for juries in the trial of offenses before justices of the peace in certain cases;

Was read a third time and referred to a select committee of one—Mr. Winans.

S. B. No. 288; Making appropriations for the payment of interest on the State debt, the payment of a portion of the principal thereof, and the payment of the expenses of the board of commissioners of the sinking fund;

Was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Holloway, Kincaid, McCleary, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Taylor, Thomas, Vanatta, Westcott and Winans—

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. No. 274; To authorize the commissioners of Hamilton county, to contract for the building of a bridge or roadway across Millcreek, for public use in said county.

Was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted, yeas 24, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Kincaid, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Taylor, Thomas, Vanatta, Westcott and Winans—24.

Those who voted in the negative were—

Messrs. Cadwell and Holloway—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

S. B. 289; To reimburse the sinking fund for the deficiency occasioned by the defalcation of the late Treasurer of State, prior to June 10, 1857,

Was read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 26, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard,

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Gatch, Hatch, Langdon, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—26.

Mr. McCleary voted in the negative.

So said bill, having received a constitutional majority, was passed.

Mr. Phelps moved to amend the title as follows:

"To reimburse the deficiency in the sinking fund."

The title of the bill, as amended, was then agreed to.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bill and joint resolution, which are now ready for the signature of the President of the Senate:

S. B. No. 253; An act to enable associations of persons for the improvement of any mineral or medicinal spring or springs in Ohio, to become bodies corporate;

S. J. R. No. 79; Relative to printing report of the Treasury Investigating Commission.

Attest: JOHN W. KEES, Clerk.

The President then signed, in the presence of the Senate, the foregoing bill and resolution, as required by the constitution.

Message from the House of Representatives.

Mr. President:

The House has appointed Messrs. Gilson, Andrews, Ambler, Leete and Rogers of Clark, as members, on its part, of the joint select committee authorized by

S. J. R. No. 81; Relative to appointment of a joint select committee on the report of Messrs. Edgerton, Reemelin and Morgan.

Attest: JOHN W. KEES, Clerk.

The President appointed as the joint select committee on the part of the Senate Messrs. Phelps, Taylor and Safford.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 460; To prevent the running at large of swine.

Attest: JOHN W. KEES, Clerk.

Said bill was then read the first time.

Mr. Phelps, from the standing committee on the Judiciary, reported back

S. B. No. 261; To limit the operation of the act entitled "an act to repeal the ten per cent law," passed March 14, 1850, passed February —, 1859, and to repeal the act entitled "an act to amend an act fixing the rate of interest," passed January 12, 1824, passed January 18, 1858,

And said bill was referred to the select committee on that subject.

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Also, from the same committee, reported back

S. B. No. 287; To amend section 91 of an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Also, from the same committee, reported back

S. B. No. 276; For the relief of Samuel Ketchum, treasurer of Coshocton county.

The question then being on ordering said bill to be engrossed, the same was agreed to.

Said bill was then engrossed at the clerk's desk and ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 20, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Holloway, Kincaid, Langdon, McCleary, McKelly, Murdock, Perkey, Perrill, Phelps, Safford Smith, Taylor, Thomas, Vanatta and Westcott—20.

Those who voted in the negative were—

Messrs. Buckland, Cadwell, Gard, Gatch, Green, Miles and Winans—7.

So said bill having received a constitutional majority, was passed.

The preamble of the bill was then agreed to.

Ordered that the title be as aforesaid.

Also, from the same committee,

S. B. No. 285; To define and limit the provisions of an act entitled "an act supplementary to an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and the acts amendatory thereof and supplementary thereto," passed April 14, 1857, and recommended that the same be indefinitely postponed; which was agreed to.

Also, from the same committee,

S. B. No. 223; Requiring judges of the courts of common pleas to reduce their charges and instructions to the jury in certain cases, to writing.

On motion, said bill was laid on the table.

Also, S. B. No. 214; To prevent the recovery of damages in protested bills of exchange, and to repeal section one of an act entitled "an act concerning damages and protested bills of exchange," passed February 15, 1831.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed and ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

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The yeas and nays were ordered, and resulted—yeas 23, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Chapman, Gard, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—23.

Those who voted in the negative were—

Messrs. Buckland, Corwine, Gatch, Green, Holloway, McCleary, Miles, Taylor and Winans—9.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Also, S. B. No. 215; Further to prevent the taking of usurious interest on the part of banks, and to prevent confession of judgment on warrants of attorney in favor of banks.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed and ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 20, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Gard, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—20.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cadwell, Corwine, Gatch, Green, Holloway, McCleary, Miles, Taylor and Winans—11.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. McKelly, from the standing committee on Railroads, reported back

H. B. No. 386; To compel railroad companies to build culverts and construct out-let ditches, in certain cases, and recommended that the same be indefinitely postponed; which was agreed to.

Mr. Phelps, from the standing committee on the Judiciary, reported back

H. B. No. 361; Supplementary to an act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

The question then being on ordering said bill to be read a third time, the same was decided in the affirmative.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

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Mr. Langdon moved to strike out the words "and persons who can give no reasonable account of themselves."

Pending which,

On motion of Mr. Thomas,

The Senate took a recess.

THREE O'CLOCK P. M.

The question then being on striking out the words as above,

The yeas and nays were ordered, and resulted—yeas 6, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Gatch, Langdon, Shideler, Taylor Westcott and Winans—6.

Those who voted in the negative were—

Messrs. Buckland, Cantwell, Chapman, Corwine, Hatch, Holloway, Kincaid, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Thomas and Vanatta—18.

So said motion did not prevail.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 19, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Chapman, Corwine, Hatch, Holloway, Kincaid, McCleary, McKelly, Miles, Morrow, Perkey, Perrill, Phelps Safford, Thomas, Vanatta and Westcott—19.

Those who voted in the negative were—

Messrs. Gard, Gatch, Green, Langdon, Murdock, Shideler, Taylor and Winans —8.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

M. Perrill, from a select committee, reported back

H. B. No. 457; To authorize the opening of a county road through lands owned by the State, in Franklin county, Ohio.

Referred to the standing committee on Finance.

Mr. Winans, from a select committee, reported back

S. B, No. 226; Providing for juries in the trial of offences before justices of the peace, in certain cases.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Chapman, Gard, Gatch, Green, Hatch, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock,

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Perkey, Perrill, Phelps, Safford, Shideler, Taylor, Thomas, Vanatta, Westcott and Winans—26.

So said bill, having received a constitutional majority, was passed.

Mr. Winans moved to amend the title as follows:

"Supplementary to the act entitled an act defining the powers and duties of justices of the peace and constables in criminal cases," passed March 27, 1837; which was agreed to.

The title of the bill, as amended, was then agreed to.

Mr. Gatch, from a select committee, reported back

S. B. No. 286; To amend an act passed March 17, 1856, supplementary to an act passed March 2, 1853, to provide for draining and reclaiming certain swamp and overflowed land.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed and ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Safford, Shideler, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—28.

So said bill, having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

Mr. Winans asked and obtained leave to withdraw the petition of John D. Johnson and 53 others, for making Jamestown a separate road district.

Mr. Safford, from a select committee, reported back

H. B. No. 59; Supplementary to the act entiled "an act to create a lien in favor of mechanics and others, in certain cases.

On motion, said bill was laid on the table.

Mr. Safford, from a select committee, reported back

H. B. No. 103; To provide for the collection of claims against railroad companies.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time to-morrow.

Mr. Green offered for adoption the following resolution, which was agreed to.

Resolved, That the standing committee on Finance be instructed to inquire if any additional legislation is necessary to enable county commissioners to levy a tax to meet the increased expense that will be incurred the present year by reason of the reappraisement of the real estate of the State, and report by bill or otherwise.

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Mr. Cadwell moved that the vote by which

S. B. No. 214; To prevent the recovery of damages on protested bills of exchange, and to repeal section one of an act entitled "an act ascertaining damages on protested bills of exchange," passed February 15, 1831, was passed, be reconsidered.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 14, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cass, Corwine, Gard, Gatch, Green, Holloway, Miles, Phelps, Smith, Taylor and Winans—14.

Those who voted in the negative were—

Messrs. Cantwell, Chapman, Hatch, Kincaid, Langdon, McCleary, McKelly, Morrow, Murdock, Perkey, Perrill, Safford, Shideler, Thomas, Vanatta and Westcott—16.

So said motion did not prevail.

The President announced as the select committee to which was referred S. B. No. 175; Concerning bridges, Messrs. Henkle, Schleich and Westcott, Mr. Perkey declining to serve on said committee.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 436; To amend an act for the reorganization, supervision and maintenance of common schools, passed March 14, 1853.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 384; To amend the 42d section of an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 263; To appropriate the proceeds of the sale of old arms heretofore collected, to the purchase of a site and the erection of a State Arsenal thereon.

Attest: JOHN W. KEES, Clerk.

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On motion of Mr. Westcott,

The Senate resolved itself into a committee of the whole on the special order of the day, being

H. B. No. 166; To provide for the removal of the seat of justice of Perry county, Ohio, from the town of New Lexington to the town of Somerset, in said county,

Mr. Miles in the chair, and after some time spent therein, rose and reported that the committee had had said bill under consideration, and made progress therein, and asked and obtained leave to sit again.

Mr. Schleich, from the standing committee on Public Works, reported back

S. B. No. 280; Concerning the Board of Public Works and other officers of the State,

With sundry amendments, which were agreed to.

The question then being on ordering said bill to be engrossed, the same was agreed to.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

Mr. Buckland moved to amend said bill by inserting after the word "States," in the sixth line of the second section, the words "nor shall any member of the General Assembly be appointed to any office on the public works during the term for which he was elected."

Pending which, said bill and amendment were referred to a select committee of one—Mr. Buckland.

On motion of Mr. Perrill,

S. J. R. No. 67; Relative to convict labor,

Was taken up and referred to a select committee of one—Mr. Perrill.

Mr. Schleich offered for adoption the following resolution, which was agreed to:

Resolved, That the Board of Public Works be requested to report to the Senate, at their earliest convenience, answers to the following questions:

1st. Has the construction of Hocking Falls Dam in the Hocking River, near Logan, contributed anything towards causing the flow of water out of the canal banks over the Logan road, between said dam and Smith's hill, and if so, how much?

2d. Could the overflowing complained of, be prevented by raising the canal bank between the points named, and what would be the cost of such work?

3d. What would be the cost of repairing the road between the points named, and if the ravages therein by water overflowing the canal banks are the result of the works of the State in any degree, what proportion of such cost ought the State to bear?

On motion of Mr. Langdon,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

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THURSDAY, MARCH, 17, 1859.

Prayer by the Rev. Mr. Morris.

Mr. Gatch presented the petition of C. W. Show and 243 others, citizens of Washington township, Hardin county, Ohio, praying for the passage of an act to authorize the draining of section 16 in said township, and the levying of a tax to defray the expense thereof.

Referred to a select committee of one—Mr. Gatch.

Mr. canfield presented the petition of Ann Hambleton and 200 others, citizens of Ohio, praying that the law may be so amended, that married women shall have control of their real and personal property; and for further amendments to the laws in relation to the same subject.

Referred to the committee on Woman's Rights.

Mr. Canfield presented the petition of Ellis Cope and 164 others, citizens of Ohio, praying that the right of suffrage be extended to women.

Referred to select committee on amendments to the Constitution.

Mr. Canfield presented the petition of Mrs. McCrackin and 69 others, residents of Columbiana county, praying for amendments to the law in relation to the property of married women, &c.

Referred to the committee on Woman's Rights.

The following bills were severally read a second time, and disposed of as follows:

H. B. No. 384; To amend the 42d section of "an act entitled an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

Committed to a committee of the whole Senate.

H. B. No. 436; To amend "an act for the reorganization, supervision and maintenance of common schools," passed March 14, 1853.

Committed to the same committee.

H. B. No. 460; To prevent the running at large of swine.

Committed to the same committee.

S. B. No. 291; Supplementary to an act entitled "an act to provide for the partition of real estate," passed February 13, 1831, and the several acts amendatory thereof.

Referred to the standing committee on the Judiciary.

S. B. No. 292; Making appropriations for the year 1859.

Committed to a committee of the whole Senate.

S. B. No. 294; Making appropriations for the first quarter of the year 1860.

Committed to the same committee.

S. B. No. 295; To authorize the commissioners of Pike county to borrow money for bridge purposes.

Committed to the standing committee on Roads and Highways.

S. B. No. 296; To amend the second section of an act entitled "an act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein," passed March 10, 1857.

Committed to a committee of the whole Senate.

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S. B. No. 287; To amend section 91 of an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853, was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 22, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Murdock, Perkey, Phelps, Safford, Schleich, Taylor, Thomas, Vanatta, Westcott and Winans—22.

Those who voted in the negative were—

Messrs. Chapman and Shideler—2.

So said bill having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

H. B. No. 103; To provide for the collection of claims against railroad companies, was read a third time, and the question being,

"Shall the bill pass?"

On motion, said bill was referred to the standing committee on Railroads.

Message from the House of Representatives.

Mr. President:

The House has passed

S J. R. No. 73; Relative to procuring flags for the Capitol, with an amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

The question then being on agreeing to the amendment,

Mr. Westcott moved that said resolution, with the pending amendment, be referred to the standing committee on the Militia, which was lost.

The question then being on agreeing to said House amendment,

The yeas and nays were demanded, and being ordered, resulted—yeas 9, nays 21, as follows:

Those who voted in the affirmative were—

Messrs. Canfield, Chapman, Green, Henkle, Safford, Shideler, Schleich, Thomas and Vanatta—9.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cantwell, Corwine, Gard, Gatch, Hatch, Holloway, Kincaid, Langdon, McCleary, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Smith, Taylor, Westcott and Winans—21.

So said amendment did not prevail.

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Message from the House of Representatives.

Mr. President:

The House has agreed to the report of the committee of conference on the subject matter of difference between the two Houses on

H. B. No. 234; To allow the city of Toledo to borrow money for certain purposes therein named,

And requests the concurrence of the Senate in the same.

Attest: JOHN W. KEES, Clerk.

The question then being on agreeing to said amendment,

The yeas and nays were ordered, and resulted—yeas 18, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Cass, Corwine, Gatch, Green, Hatch, Holloway, Kincaid, McKelly, Miles, Phelps, Reid, Smith, Taylor, Thomas and Vanatta—18.

Those who voted in the negative were—

Messrs. Canfield, Chapman, Gard, Henkle, Langdon, Morrow, Murdock, Perkey, Perrill, Safford, Shideler, Westcott and Winans—13.

So said amendments were agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No. 468; To repeal the 6th, 7th, and 8th sections of the act entitled an act to incorporate the several turnpike companies therein named, in Greene county.

H. B. No. 469; To provide for the election of supervisors of roads, being an act supplementary to and amendatory of an act for the incorporation of townships, passed March 14, 1853.

Attest: JOHN W. KEES, Clerk.

Said bills were severally read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No. 411; Relating to the partition of real estate held in common by religious societies; and

H. B. No. 437; To authorize county agricultural societies to sell fair grounds in certain cases.

Attest: JOHN W. KEES, Clerk.

Said bills were severally read the first time.

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Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No. 406; For the further organization and discipline of the militia and volunteer militia.

H. B. No. 375; To prevent and punish fraud in the use of false stamps, brands, labels or trade marks.

Attest: JOHN W. KEES, Clerk.

Said bills were severally read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No. 446; To authorize the Board of Education of the incorporated village of Malta to borrow money for school house purposes.

H. B. No. 467; To amend the 6th section of the act entitled an act further to amend the act entitled an act to preserve the purity of elections.

H. B. No. 474; To amend the 10th section of an act relating to juries, passed February 9, 1831.

H. B. No. 473; A bill to authorize the commissioners of Henry county to issue bonds to facilitate the completion of the Maumee river bridge at Napoleon.

Attest: JOHN W. KEES, Clerk.

Said bills were severally read the first time.

Mr. Langdon, from the standing committee on Corporations other than Municipal, reported back

H. B. No. 380; To amend an act to authorize the incorporation of mutual insurance companies, passed April 14, 1857.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 29, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta and Winans—29.

Those who voted in the negative were—

Messrs. Chapman and Westcott—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

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Mr. McKelly, from the standing committee on Railroads, reported back

S. B. No. 266; To amend the act entitled "an act to incorporate the Franklin and Warren Railroad Company," with several amendments.

Mr. Taylor moved to refer said bill, with pending amendments, to the standing committee on the Judiciary; which was agreed to.

Mr. Westcott, from the standing committee on Claims, reported back

H. B. No. 57; Relative to contract of Dennis McCarthy & Co., on Lancaster Side-cut, and recommended the adoption of the same.

Mr. Langdon moved to refer said resolution to the standing committee on Public Works; which was agreed to.

Mr. Langdon, from the standing committee on State Buildings, reported back

H. J. R. No. 79; Relative to the assignment of rooms to the Comptroller of the Treasury, with one amendment; which was agreed to.

The question then being on the adoption of the resolution,

The yeas and nays were ordered, and resulted—yeas 19, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Langdon, McCleary, McKelly, Morrow, Perkey, Phelps, Reid, Safford, Schleich, Thomas, Westcott and Winans—19.

Those who voted in the negative were—

Messrs. Buckland, Miles and Taylor—3.

So said resolution was agreed to.

Mr. Langdon, from the standing committee on Corporations other than Municipal, reported back

H. B. No. 348; To amend section one of the act entitled "an act to amend section 66 of an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed March 4, 1858, without amendment.

On motion, said bill was indefinitely postponed.

On motion of Mr. McCleary,

The Senate took a recess.

THREE O'CLOCK P. M.

Mr. Winans, from a select committee, reported back

S. B. No. 222; To amend the act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed February 13, 1853, with several amendments; which were agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

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Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 9, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Gard, Henkle, Holloway, Kincaid, Perkey, Smith, Vanatta and Winans—9.

Those who voted in the negative were—

Messrs. Ashmun, Chapman, Gatch, Hatch, Morrow, Murdock, Perrill, Phelps, Shideler, Schleich and Westcott—11.

So said bill not having received a constitutional majority, was lost.

Mr. Miles, from a select committee, reported back

S. J. R. No. 72; Relative to manufacturing gas in the Ohio Penitentiary, accompanied with a lengthy report on the same subject,

Which was laid on the table and ordered to be printed.

Mr. Westcott moved that the vote by which

H. B. No. 386; To compel railroad companies to build culverts and construct outlet ditches in certain cases, was indefinitely postponed, be reconsidered, which was agreed to.

Said bill was then referred to a select committee of three—Messrs. Westcott, Buckland and Phelps.

Mr. Perkey, from the standing committee on Roads and Highways, on leave, reported back

S. B. No. 295; To authorize the commissioners of Pike county to borrow money for bridge purposes,

With one amendment, which was agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed, and ordered to be read a third time to-morrow.

Mr. Schleich asked and obtained leave to record his vote on the passage of

S. B. No. 267; For the relief of Samuel Ketchum, and being called, voted aye.

On motion of Mr. Gatch,

The Senate resolved itself into a committee of the Whole on the special order of the day, being,

H. B. No. 146; To provide for the removal of the seat of justice of Perry county from the town of New Lexington, to the town of Somerset, in said county,

Mr. Miles in the chair, and after some time spent therein, rose and reported progress therein, asked and obtained leave to sit again.

The President laid before the Senate a communication from the Board of Public Works, in answer to certain inquiries.

On motion, said communication was laid on the table and ordered to be printed.

And on motion of Mr. Taylor,

The same was ordered to be printed in advance of all other printing.

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On motion of Mr. Slade,

The Senate took a recess until 7½ o'clock P. M.

HALF PAST SEVEN O'CLOCK.

On motion of Mr. Thomas,

The Senate resolved itself into committee of the Whole on the special order of the day, being,

H. B. No. 146; To provide for the removal of the seat of justice of Perry county from the town of New Lexington, to the town of Somerset, in said county,

Mr. Ashmun, in the chair, and after some time spent therein, rose and reported the same back without amendment.

On motion of Mr. Langdon,

A call of the Senate was had, and 26 Senators answered to their names.

On motion, Messrs. McCleary and McKelly were excused.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

The question being on ordering said bill to be read the third time,

The yeas and nays were demanded, and being ordered, resulted—yeas 17, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Chapman, Corwine, Gatch, Henkle, Langdon, Miles, Murdock, Perkey, Perrill, Phelps, Reid Safford, Schleich, Slade, Taylor and Thomas —17.

Those who voted in the negative were—

Messrs. Ashmun, Cantwell, Hatch, Holloway, Kincaid, Miles, Shideler, Smith, Vanatta, Westcott and Winans—10.

So said motion prevailed, and said bill was ordered to be read a third time.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 18, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Chapman, Corwine, Gatch, Henkle, Holloway, Langdon, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Schleich, Slade, Taylor and Thomas—18.

Those who voted in the negative were—

Messrs. Ashmun, Cantwell, Green, Hatch, Kincaid, Morrow, Shideler, Smith, Vanatta, Westcott and Winans—11.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

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Mr. Vanatta gave notice that he would ask to have his protest against the passage of said bill entered upon the journal.

Mr. Morrow asked and obtained leave to record his vote on

S. B. No. 276; For the relief of Samuel Ketchum, Treasurer of Coshocton county, and being called, voted no.

On motion of Mr. Green,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

FRIDAY, MARCH 18, 1859.

Prayer by the Rev. Mr. Morris.

The following bills were severally read the second time, and disposed of as follows:

H. B. No. 406; For the further organization and discipline of the militia and volunteer militia.

Referred to the standing committee on the Militia.

H. B. No. 437; To authorize county agricultural societies to sell fair grounds in certain cases.

Referred to the standing committee on Agriculture.

H. B. No. 411; Relating to the partition of real estate held in common by religious societies.

Referred to a select committee of two—Messrs. Henkle and Chapman.

H. B. No. 469; To provide for the election of supervisors of roads; being an act supplementary to, and amendatory of, "an act for the incorporation of townships," passed March 14, 1853.

Referred to the standing committee on Roads and Highways.

H. B. No. 468; To repeal the 6th, 7th and 8th sections of the act entitled "an act to incorporate the several turnpike companies therein named in Green county."

Referred to a select committee of one—Mr. Winans.

H. B. No. 375; To prevent and punish fraud in the use of false stamps, brands, labels or trade marks.

Referred to the standing committee on the Judiciary.

H. B. No. 446; To authorize the board of education of the incorporated village of Malta to borrow money for school-house purposes.

Referred to a select committee of one—Mr. Green.

H. B. No. 474; To amend the 10th section of "an act relating to juries," passed February 9, 1831.

Referred to the standing committee on the Judiciary.

H. B. No. 467; To amend the 6th section of the act entitled "an act further

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to amend the act entitled an act to preserve the purity of elections," passed April 15, 1857.

Referred to the standing committee on Privileges and Elections.

H. B. No. 473; To authorize the commissioners of Henry county to issue bonds to facilitate the completion of the Maumee river bridge at Napoleon.

Referred to a select committee of one—Mr. Westcott.

S. B. No. 295; To authorize the commissioners of Pike county to borrow money for bridge purposes, was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 26, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Miles, Morrow, Perrill, Phelps, Reid, Shideler, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—26.

Mr. Holloway voted in the negative.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 227; To authorize the adoption of children, with an amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

On which amendment the yeas and nays were ordered, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, Miles, Morrow, Perrill, Phelps, Reid, Shideler, Slade, Smith, Taylor, Thomas, Vanatta, Thomas and Westcott—28.

So said amendments were agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No. 159; To provide for the regulation and support of the common schools in the city of Cleveland.

H. B. No. 383; To repeal an act therein named.

Attest: JOHN W. KEES, Clerk.

Said bills were severally read the first time.

Mr. Phelps, from the standing committee on the Judiciary, reported back

S. B. No. 266; To amend the act entitled "an act to incorporate the Franklin and Warren railroad company, with amendments; which were agreed to.

Mr. Taylor moved to amend, by adding as a proviso to the amended section the following:

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Provided, That upon the acceptance of the provisions of this act by said company, each stockholder therein shall be liable over and above the stock by him or her owned, and any amount unpaid thereon to a further sum equal in amount to such stock, for the payment of the liabilities of the company.

On which amendment the yeas and nays were demanded, and being ordered, resulted—yeas 3, nays 26, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Langdon and Taylor—3.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Miles, Morrow, Perkey, Perrill, Phelps, Shideler, Schleich, Slade, Smith, Thomas, Vanatta, Westcott and Winans—26.

So said amendment was not agreed to.

Mr. Taylor moved further to amend as follows: Add as an additional proviso to section one:

Provided, That if the provisions of this act be accepted by the stockholders of said company, any stockholder not assenting thereto, may, at his option, within six months after the proceedings to accepting as aforesaid, and upon written notice to the company, withdraw from the company; and thereupon said company shall be liable to refund to such withdrawing stockholder any amount that he or she may have paid upon such stock, or for a debt of the company.

On which amendment the yeas and nays were demanded, and being ordered, resulted—yeas 5, nays 24, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Langdon, Perkey, Reid and Taylor—5.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Miles, Morrow, Perrill, Phelps, Shideler, Schleich, Slade, Smith, Vanatta, Westcott and Winans—24.

So said amendment did not prevail.

The question then being on ordering said bill to be engrossed, the same was agreed to.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 26, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Miles, Morrow, Perkey, Perrill, Phelps, Shideler, Schleich, Slade, Smith, Thomas, Vanatta, Westcott and Winans—26.

Those who voted in the negative were—

Messrs. Cadwell, Langdon and Taylor—3.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Green,

The Senate took a recess.

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THREE O'CLOCK P. M.

On motion of Mr. Miles,

A call of the Senate was had, and 21 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

Mr. Hatch, from the standing committee on Finance, reported back

H. B. No. 457; To authorize the opening of a county road through lands owned by the State in Franklin county, Ohio.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 18, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cass, Gard, Gatch, Green, Hatch, Henkle, Miles, Morrow, Perrill, Phelps, Schleich, Slade, Smith, Taylor, Thomas, Vanatta and Westcott—18.

Mr. Winans voted in the negative.

So said bill, having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

Mr. Thomas, from the standing committee on Municipal Corporations, reported back

H. B. No. 364; To authorize the town council of the town of Calais, in the county of Monroe, to levy a tax for the purpose of improving the streets in said town and for other purposes.

Referred to the standing committee on the Judiciary.

Mr. Green, from a select committee, reported back

H. B. No. 446; To authorize the Board of Education of the incorporated village of Malta to borrow money for school house purposes.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time to-morrow.

Mr. Westcott, from a select committee, reported back

H. B. No. 473; To authorize the commissioners of Henry county to issue bonds to facilitate the completion of the Maumee river bridge at Napoleon.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time on Wednesday, March 23d.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following bills and joint resolutions, and the same are now ready for the signature of the President of the Senate:

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H. B. No. 417; Amendatory of an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

H. B. No. 333; Amendatory of the 12th section of the act to provide for laying out and establishing free turnpike roads, passed March 12, 1845.

H. B. No. 346; To provide for the working of unfinished turnpike roads by supervisors of the highway.

H. B. No. 403; To authorize the lessees of ministerial section 29, in Salem township, Meigs county, to surrender their leases and receive deeds.

H. B. No. 374; To prohibit the carrying or wearing of concealed weapons.

H. J. R. No. 65; Relative to a *sine die* adjournment of this General Assembly.

H. J. R. No. 80; Relative to an examination of the terrace on the east side of the Capitol.

S. J. R. No. 81; Relative to appointment of a joint select committee on the report of Messrs. Edgerton, Reemelin and Morgan.

Attest: JOHN W. KEES, Clerk.

The President of the Senate then signed the foregoing bills and resolutions, in the presence of the Senate, as required by the constitution.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 453; To amend an act entitled an act to regulate the sale of school lands, and the surrender of permanent leases thereto, passed April 16, 1852.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 360; To amend section 69 of an act passed May 3, 1852, entitled an act to provide for the organization of cities and incorporated villages.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed

H. J. R. No. 93; Relative to the claim of Samuel Gordon;

And requests the concurrence of the Senate in the same.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. Phelps,

Said resolution was referred to the standing committee on Public Works.

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Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 85; Providing for enclosing railroads by fences and cattle-guards.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 418; To organize and regulate an independent militia.

Attest; JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has appointed Mr. Raymond upon the joint select committee on the report of Messrs. Edgerton, Reemelin and Morgan, *vice* Mr. Rogers, of Clark, excused.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House insists on its amendment to

S. J. R.; Relative to procuring flags for the State Capitol.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. Smith,

Said resolution and amendment were referred to the standing committee on State Buildings.

Mr. Vanatta offered the following protest, which was ordered to be entered upon the journal:

PROTEST.

The undersigned, in the exercise of his constitutional right, would, in behalf of himself and a deeply injured constituency, most solemnly protest against the passage of House Bill No. 146: "To provide for the removal of the seat of justice of Perry county from New Lexington to Somerset," for reasons following, to wit:

First. Because a large majority of the people of Perry county are opposed to the passage of said bill and to objects sought to be accomplished by it.

Second. Because the passage of said bill is equivalent to a declaration of war between different portions of my constituents.

Third. Because the passage of said bill tacitly approves of the admitted outrageous frauds committed in the four townships in the Somerset interest at the election of 1853, and invites a repetition of the same at the ensuing election. At that election a large portion of the citizens of the townships of Reading, Thorn, Hopewell and Madison conspired to secure the removal of the seat of justice from

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New Lexington to Somerset, by polling fraudulent and illegal votes, in which they were corruptly aided and abetted by the officers in charge of the poll-books in said townships. No sane man, acquainted with the circumstances and facts in the case, can doubt for a moment that such will be the fact again.

Fourth. Because the passage of said bill will teach my constituents on both sides of this question that in this instance, at least, falsehood is stronger than truth, and that "corruption wins more than honesty."

Fifth. Because the pretended vote that will be had under this bill will be a disgrace not only in Perry county, but to the State of Ohio.

Sixth. Because the passage of this bill will be a direct incentive to men to concoct and conceal election frauds, and thus prostitute and bring reproach upon the right of suffrage—a right preservative of all the other rights of a free people—a right which lies at the foundation of republican government, and which it should ever be the aim of the Legislature to guard against contamination.

Being the local representative on this floor, of the people to be effected by this bill, and being more fully acquainted with the facts than any other Senater, I have, to the best of my ability, endeavored to impress the foregoing truths upon the Senate. The failure to do so, has been my misfortune, and not my fault. It does seem that the persistent falsehoods and misrepresentations which have been urged by lobby agents from Somerset, Lancaster, and, perhaps, other portions of the State, have so forestalled and poisoned the minds of Senators, that they could not be properly impressed with the truth as it exists.

I feel that I should not have discharged my whole duty to my constituents, to the State, and to myself, without submitting this, my protest, against the passage of said bill, and asking that the same may be read and entered upon the Journal of the Senate.

March 18, 1859. E. VANNATTA.

On motion of Mr. Phelps,

A message was sent to the House, requesting the return of

H. B. No. 234; To allow the city of Toledo to borrow money for certain purposes therein named.

Mr. Phelps, on leave, introduced a bill:

S. B. No. 297; To repeal section three of an act further to prescribe the duties of county commissioners.

Which was read the first time.

On motion of Mr. Hatch,

S. B. No. 231; To amend sections 6 and 25 of the act entitled "an act further to provide for the better regulation of the receipt, disbursement and safe-keeping of the public revenue," passed April 12, 1857, was taken from the table, and referred to a select committee of one—Mr. Hatch.

On motion of Mr. Ashmun,

The committee of the whole was discharged from the further consideration of

H. B. No. 455; Relating to jurors; and said bill was referred to a select committee of one—Mr. Ashmun.

On motion of Mr. Miles,

The committee of the whole was discharged from the further consideration of

H. B. No. 460; To prevent the running at large of swine; and said bill was referred to the standing committee on Agriculture.

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On motion of Mr. Slade,

The committee of the whole was discharged from the further consideration of

S. B. No. 284; To authorize the city of Cleveland to appoint inspectors of provisions and other articles; and said bill was referred to a select committee of one —Mr. Slade.

Mr. Schleich, on leave, introduced a bill:

S. B. No. 298; Relating to the Lewistown Reservoir; which was read the first time.

Mr. Phelps, on leave, introduced a bill:

S. B. No. 299; To direct the sale of certain lands in Union county; which was read the first time.

Message from the House of Representatives.

Mr. President:

The House has refused to concur in Senate amendment to

H. J. R. No. 79; Relative to the assignment of rooms to the Comptroller of the Treasury.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. Phelps,

Said resolution was referred to the standing committee on State Buildings.

Message from the House of Representatives.

Mr. President:

The House has passed

H. B. No. 471; Requiring township clerks to give bonds, and requests the concurrence of the Senate in the same.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

On motion of Mr. Holloway,

A message was sent to the House requesting the return of

H. B. No. 146; To provide for the removal of the seat of justice of Perry county from the town of New Lexington to the town of Somerset, in said county.

Mr. Cass, from a select committee, reported back

H. B. No. 362; To authorize the commissioners of Coshocton county to borrow money to supply the deficiency in the treasury in said county, with amendments; which were agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 21, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cass, Gard, Gatch, Hatch, Henkle, Langdon, Miles,

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Morrow, Perrill, Phelps, Shideler, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—21.

Mr. Holloway voted in the negative.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Slade,

The Senate resolved itself into a committee of the whole on the order of the day, Mr. Slade in the chair; and after some time spent therein, rose and reported back the following bills, and severally disposed of them as follows:

H. B. No. 424; To amend section 32 of an act entitled "an act regulating the fees of county auditors," passed March 19, 1838, and took effect May 1, 1838.

Referred to the select committee on the revision of the tax law.

H. B. No. 436; To amend "an act for the reorganization, supervision an maintenance of common schools," passed March 14, 1853.

Referred to the standing committee on Schools and School Lands.

H. B. No. 431; To authorize the commissioners of Henry county to borrow money to pay the county debt.

Referred to a select committee of one—Mr. Westcott.

H. B. No. 456; To authorize associations of persons for carrying freight on any of the navigable waters of the State of Ohio, and the lakes and navigable rivers bordering thereon.

Referred to the standing committee on Corporations other than Municipal.

H. B. No. 425; To amend an act entitled an act to provide for the recording of land patents, passed March 14, 1836.

Referred to the Judiciary committee.

H. B. No. 384; To amend the 42d section of an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

Referred to the standing committee on Municipal Corporations.

H. B. No. 459; In relation to public records.

Referred to the Judiciary committee.

H. B. No. 434; To punish trespassers on public and other lands.

Referred to the Judiciary committee.

H. B. No. 432; To authorize the council of the incorporated village of Delaware to borrow money.

Referred to the Finance committee.

H. B. No. 461; To relieve the sureties of executors and administrators.

Referred to the Judiciary committee.

H. B. No. 423; To amend the act entitled an act prohibiting any citizen of this State from holding, by appointment, more than one of several offices therein named, at the same time.

Referred to the standing committee on Privileges and Elections.

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H. B. No. 377; To amend and supplementary to an act entitled "an act to provide for the establishment and government of reform schools," passed April 2, 1858.

Referred to the standing committee on Reform Schools.

S. B. No. 296; To amend the second section of an act entitled "an act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein," passed March 10, 1857.

Said bill was then ordered to be engrossed and read a third time to-morrow.

S. B. No. 290; To amend section 3 of the act entitled "an act regulating the fees of sheriffs in civil and criminal cases," passed March 13, 1857.

Referred to a select committee of three—Messrs. Miles, Perrill and Morrow.

S. B. No. 272; To change the territorial limits of the city of Cleveland, and of the township of East Cleveland.

Referred to a select committee of one—Mr. Taylor.

S B. No. 273; To amend the first section of the act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

Referred to the standing committee on Municipal Corporations.

S. B. No. 278; To amend section 157 of "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853

Referred to the Judiciary committee.

S. B. No. 279; To amend section 2 of an act entitled "an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money."

Referred to the select committee on the revision of the tax law.

S. J. R; Relative to the school law.

On motion, said resolution was made the special order of the day for the Senate for Wednesday the 23d of March.

Mr. Laugdon, from the standing committee on State Buildings, introduced a bill:

S. B. No. 300; To provide for the enlargement of the Ohio Penitentiary.

Which was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed

H. B. No. 401; To secure the better safety of persons traveling on railroads in the State of Ohio,

And requests the concurrence of the Senate in the same.

Attest: JOHN W. KNES, Clerk.

Said bill was read the first time.

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Message from the House of Representatives.

Mr. President:

The House accedes to the request of the Senate for the return of

H. B. No. 234; To allow the city of Toledo to borrow money for certain purposes therein named.

Attest: JOHN W. KEES, Clerk.

Mr. Phelps moved to reconsider the vote by which the Senate agreed to the committee of conference on said bill, and that that motion be laid on the table; which was agreed to.

Message from the House of Representatives.

Mr. President:

The House accedes to the request of the Senate for the return of

H. B. No. 146; To provide for the removal of the seat of justice of Perry county, Ohio, from the town of New Lexington, to the town of Somerset, in said county.

Attest: JOHN W. KEES, Clerk.

Mr. Holloway moved to reconsider the vote by which said H. B. No. 146 was passed, and that that motion to reconsider be laid on the table, which was agreed to.

Mr. Henkle, from a select committee, reported back

S. B. No. 175; Concerning bridges,

With amendments, which were agreed to.

Said bill was then ordered to be engrossed, and read a third time to-morrow.

Mr. Cass asked and obtained leave to withdraw the petition and prayers relative to the case of Samuel Ketchum.

Mr. Westcott asked and obtained leave of absence until next Tuesday.

Mr. Holloway also asked and obtained leave of absence until next Monday.

On motion of Mr. Miles,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

SATURDAY, MARCH 19, 1859.

Prayer by the Rev. Mr. Morris.

The President directed a call of the Senate, which was had, when seventeen Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

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The following bills were severally read the second time, and disposed of as follows:

H. B. No. 471; Requiring township clerks to give bonds.

Referred to the Judiciary committee.

H. B. No. 453; To amend an act entitled "an act to regulate the sale of school lands, and the surrender of permanent leases thereto," passed April 16, 1852.

Referred to a select committee of one—Mr. Miles.

H. B. No. 360; To amend section 69 of an act passed May 3, 1852, entitled "an act to provide for the organization of cities and incorporated villages."

Referred to the standing committee on Municipal Corporations.

H. B. No. 383; To repeal an act therein named.

Referred to the standing committee on the Judiciary.

H. B. 418; To organize and regulate the independent militia.

H. B. No. 401; To secure the better safety of persons traveling over railroads in the State of Ohio.

Referred to the standing committee on Railroads.

H. B. No. 159; To provide for the regulation and support of the common schools in the city of Cleveland.

Referred to a select committee of one—Mr. Slade.

S. B. No. 296; To amend the second section of an act entitled "an act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein," passed March 19, 1857,

Was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 18, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cass, Green, Hatch, Henkle, Langdon, Miles, Morrow, Perrill, Phelps Schleich, Slade, Smith, Taylor, Thomas and Vanatta—18.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 446; To authorize the Board of Education of the incorporated village of Malta to borrow money for school house purposes,

Was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cass, Green, Hatch, Henkle, Langdon, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Schleich, Slade, Smith, Taylor, Thomas and Vanatta—20.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

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Mr. Phelps, from a select committee, reported by bill,

S. B. No. 301; For the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money;

Which was read the first time.

Mr. Phelps, on leave, introduced a bill,

S. B. No. 302; Prescribing the duties of county auditors;

Which was read the first time.

Mr. Phelps, on leave, introduced a bill:

S. B. No. 363; To provide for the election of township assessors and to prescribe their duties;

Which was read the first time.

Mr. Langdon, from the standing committee on Corporations other than Municipal, to which was referred the petition of William Ward and others, praying that the laws regulating the rates of toll upon the several turnpikes within this State be so amended as to proportion the toll to the tonnage of the vehicle, have had the same under consideration, and report that, in the opinion of your committee, it is not advisable to change the present laws upon that subject To ascertain the actual tonnage would require the establishment of a scale at each toll-gate, and the trouble and expense of weighing every vehicle that might pass. By the existing laws, the rates of toll are based upon the propelling power of the vehicle; and although this mode does not always operate equally or justly, it is the only way, in the opinion of your committee, by which tolls can be regulated conveniently and satisfactorily to the traveling public.

Your committee, therefore, ask to be discharged from the further consideration of the subject, and recommend that the petitioners have leave to withdraw their petition.

E. BASSETT LANGDON,
R. P. BUCKLAND,
W. P. REID.

Mr. Schleich, from the standing committee on Privileges and Elections, reported back

H. B. No 423; To amend the act entitled an act prohibiting any citizen of this State from holding, by appointment, more than one of several offices therein named at the same time.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read the third time now.

Said bill was then read a third time and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 18, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Green, Hatch, Henkle, Langdon, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Schleich, Slade, Smith, Taylor, Thomas and Vanatta—18.

So said bill, having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

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Mr. Slade, from a select committee, reported back

H. B. No. 159; To provide for the regulation and support of the common schools in the city of Cleveland, with an amendment, which was agreed to.

On motion of Mr. Slade,

The constitutional rule was suspended, and said bill was ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

Mr. Langdon moved to refer said bill to the standing committee on Schools and School Lands, which was agreed to.

The President laid before the Senate a communication from the Governor, by the hands of his Private Secretary, A. M. Gangewer, transmitting report of Commissioners of Sinking Fund.

On motion of Mr. Hatch,

Said communication, with the accompanying report, was laid on the table and ordered to be printed.

Mr. Schleich, from the standing committee on Public Works, reported back

H. J. R. No. 93; Relative to the claim of Samuel Gordon.

So said resolution was then agreed to.

On motion,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

MONDAY, March 21, 1859.

The President directed a call of the Senate, which was had, when 14 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

No quorum appearing,

On motion of Mr. Henkle,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

TUESDAY, March 22, 1859.

Prayer by the Rev. Mr. Davis.

Mr. Morrow presented the petition of Daniel O'Conner and 14 others, residents of Monroe county, praying for the passage of a law conferring upon the probate

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court of Monroe county concurrent jurisdiction with the court of common pleas in minor criminal offences.

Referred to a select committee of one—Mr. Morrow.

Mr. Slade presented the petition of N. S. Brigham and 176 other men and women of Ohio, on the subject of women's rights.

Referred to the select committee on that subject.

The following bills were severally read a second time, and disposed of as follows:

S. B. No. 293; Making appropriations for the superintendence and repairs of the public works for the year 1859, and the first quarter of the year 1860.

Referred to the standing committee on Finance.

S. B. No. 297; To repeal section 3 of "an act further to prescribe the duties of county commissioners," passed April 11, 1856.

Committed to a committee of the whole Senate.

S. B. No. 298; Relating to the Lewistown Reservoir.

Referred to the standing committee on Public Works.

S. B. No. 299; Directing the sale of certain lands in Union county.

Committed to a committee of the whole Senate.

S. B. No. 300; To provide for the enlargement of the Ohio Penitentiary.

Referred to the standing committee on Public Buildings.

S. B. No. 303; To provide for the election of township assessors, and to prescribe their duties.

Referred to the standing committee on Finance.

S. B. No. 175; Concerning bridges,

Was read a third time, and the question being,

"Shall the bill pass?"

Mr. Perkey moved to refer said bill to a select committee of three, which was agreed to, and Messrs. Perkey, Henkle and Winans, were appointed said committee.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 286; To amend the act passed March 17, 1856, supplementary to an act passed March 2, 1853, to provide for draining and reclaiming certain swamp and overflowed lands.

Attest: JOHN W. KERR, Clerk.

Mr. Morrow, from the standing committee on Schools and School Lands, reported back

H. B. No. 159; To provide for the regulation and support of the common schools in the city of Cleveland.

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The question then being,

"Shall the bill pass?"

Mr. Langdon moved to amend by striking out all of ninth section to the word "all," in third line, and insert "in the several districts provision shall be made for the education free of cost." Which was lost.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Corwine, Gard, Green, Hatch, Henkle, Kincaid, McKelly, Miles, Morrow, Perkey, Perrill, Schleich, Slade, Taylor, Thomas, Vanatta, Westcott and Winans—23.

Those who voted in the negative were—

Messrs. Chapman, Langdon, Safford and Smith—4.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Slade, from a select committee, reported back

S. B. No. 284; To authorize the city of Cleveland to appoint inspectors of provisions and other articles,

With one amendment, which was agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed, and ordered to be read a third time to-morrow.

Mr. Ashmun, from a select committee, reported back

H. B. No. 455; Relating to jurors,

With one amendment, which was agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time to-morrow.

Mr. Perrill, from a select committee, reported back

S. J. R. No. 67; Relating to convict labor in the Penitentiary,

With one amendment, striking out all after the word "families," in sixth line, and insert:

Whereas, it is alleged that a contract or contracts have been made with certain persons to let convict labor in said branch of the mechanic arts; and, whereas, said contract or contracts have not been approved by the Auditor of State and the Attorney General as is required by law; therefore,

1st. *Be it resolved by the General Assembly of the State of Ohio.* That the Directors and Warden of the Penitentiary are hereby directed not to let any convict labor to be hereafter employed at the trade of boot and shoemaking; and

2d. That the Attorney General be directed to give his opinion as to the validity of the contract or contracts alleged to have been made; and in case he decides

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said contract or contracts to be valid and legal, that no more convict labor than that provided for in said alleged contracts be let or employed in said trade; and in case he decides that said contract or contracts are invalid and illegal, that no convict labor shall, under any pretext whatever, be let or employed under said supposed contract or contracts, or otherwise.

On which amendment, the yeas and nays were demanded, and being ordered, resulted—yeas 6, nays 20, as follows:

Those who voted in the affirmative were—

Messrs. Cass, McKelly, Morrow, Perrill, Schleich and Thomas—6.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Chapman, Corwine, Gard, Green, Hatch, Henkle, Kincaid, Langdon, Miles, Perkey, Safford, Slade, Taylor, Vanatta, Westcott and Winans—20.

So, said amendment did not prevail.

The question then being on agreeing to the original resolution, as follows:

Resolved by the General Assembly of the State of Ohio, That the directors and warden of the Penitentiary are hereby directed not to let any convict labor to be employed at the trade of boot and shoe making.

The yeas and nays were demanded, and being ordered, resulted—yeas 7 nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Cass, McKelly, Morrow, Perrill, Safford, Schleich and Thomas—7.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell Chapman, Corwine, Gard, Green, Hatch, Henkle, Kincaid, Langdon, Miles, Perkey, Slade, Taylor Vanatta, Westcott and Winans—19.

So said resolution did not prevail.

The President laid before the Senate, a communication from the Board of Public Works, relative to the Ohio Canal; which was,

On motion of Mr. Slade,

Laid on the table and ordered to be printed.

On motion, the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Hatch, from the standing committee on Finance, reported back

H. B No. 432; To authorize the council of the incorporated village of Delaware to borrow money.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

Mr. Slade moved to amend by striking out the word "seven," and to insert the word "six."

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Mr. Morrow moved to refer said bill, with the pending amendment, to a select committee of three; which was agreed to.

Messrs. Morrow, Reid and Canfield, were appointed said committee.

Mr. Langdon, from the standing committee on Corporations other than Municipal, reported back

H. B. No 23; providing for enclosing railroads by fences and cattle guards, and recommended that the same be indefinitely postponed; which was agreed to.

Mr. Langdon, from the standing committee on State buildings, reported back

S. B. No. 300; To provide for the enlargement of the Ohio Penitentiary, with an amendment; which was agreed to.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Langdon, from the standing committee on State Buildings, reported back

H. J. R. No. 79; Relative to the assignment of rooms to the Comptroller of the Treasury, and recommended that the Senate insist upon its amendment to said House resolution, and ask for a committee of conference upon the disagreement between the two houses; which was agreed to.

Mr. Langdon, from the same committee, reported back

S. J. R No. 73; Relative to procuring flags for the Capitol, and recommended that the Senate insist upon its disagreement to the House ammendment to said resolution; which was agreed to.

Mr. Langdon, from a select committee of three, reported back

S. J. R. No. 70; Relative to a *sine die* adjournment of this General Assembly, and recommended that the same be indefinitely postponed; which was agreed to.

Mr. Vanatta moved to take from the table the motion to reconsider the vote by which

H. B. No. 146; To provide for the removal of the seat of justice of Perry county from the town of New Lexington to the town of Somerset, in said county, was passed.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 17, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Gard, Green, Henkle, Kincaid, McKelly, Morrow, Shideler, Smith, Thomas, Vanatta, Westcott and Winans—17.

Those who voted in the negative were—

Messrs. Chapman, Corwine, Hatch, Langdon, Miles, Perkey, Phelps, Safford, Schleich, Slade and Taylor—11.

So said motion prevailed.

The question then being on the reconsideration of the vote,

The yeas and nays were demanded, and being ordered, resulted—yeas 16, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Gard, Green, Kincaid, McKelly, Morrow, Shideler, Smith, Thomas, Vanatta, Westcott and Winans—16.

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Those who voted in the negative were—

Messrs. Chapman, Corwine, Hatch, Langdon, Miles, Perkey, Perrill, Phelps, Safford, Schleich, Slade and Taylor—12.

So said motion prevailed.

The question then being,

"Shall the bill pass?"

Mr. Vanatta moved to amend as follows: add at end of section 1 the following proviso:

Provided that said removal shall not take place until suitable public buildings belonging to the county shall have been provided in the town of Somerset, for the accommodation of the courts and the several county officers, and also a suitable jail; and provided further that the friends of removal shall give bonds in such sum as may be required by the commissioners, to indemnify the county against taxation, for the purchase, erection and repairs of such buildings.

On motion, said bill, with the pending amendment, was referred to a select committee of three—Messrs. Slade, Vanatta and Miles.

Mr. Miles, from a select committee, reported back

H. B. No. 453; To amend an act entitled "an act to regulate the sale of school lands, and the surrender of permanent leases thereto," passed April 16, 1852.

On motion, said bill was referred to the standing committee on Schools and School Lands.

Mr. Slade presented the remonstrance of the Board of Trade of the city of Cleveland against the sale of the canals.

Laid on the table.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 249; To amend an act entitled an act to establish alterations in State and county roads, passed March 25, 1854, and

S. B. No. 234; Providing for the vacating of roads dedicated by private persons to public use,

With an amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KUHN, Clerk.

On which amendment the yeas and nays were ordered, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Chapman, Gard, Green, Hatch, Henkle, Kincaid, Langdon, McKelly, Miles, Morrow, Perkey, Perrill, Phelps, Reid, Safford, Schleich, Slade, Smith, Taylor, Thomas and Vanatta—25.

So said amendment was agreed to.

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Message from the House of Representatives.

Mr. President:

The House has passed the following bills and requests the concurrence of the Senate in the same:

H. B. No. 420; To authorize the city council of the city of Hamilton to appoint commissioners to drain Old River, and for other purposes.

H. B. No. 489; To amend the 4th section of an act entitled "an act to authorize the making of real estate indexes, and further to prescribe the duties of county commissioners and recorders in certain counties," passed February 14, 1859.

Attest: JOHN W. KERR, Clerk.

Said bills were severally read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No. 438; To provide for the payment of indebtedness of townships incurred for support of the poor.

H. B. No. 475; Providing for making a general index for the clerk's office of the court of common pleas of Gallia county.

H. B. No. 390; Authorizing the school directors of school district No. 8, in Madison township, in Butler county, to sell a school lot in the incorporated village of Miltonville, in said county.

H. B. No. 484; To amend section 6 of an act to amend the act entitled an act to provide for the organization of cities and incorporated villages, passed March 14, 1853.

H. B. No. 326; Defining the jurisdiction of probate courts in criminal cases, in the counties of Pike, Portage, Jackson, Clermont, Carroll, Gallia, Butler, Lucas, Hocking, Defiance and Columbiana.

Attest: JOHN W. KERR, Clerk.

Said bills were severally read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 497; To amend the fifty-third section of an act entitled "an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," passed April 13, 1852.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

On motion of Mr. Cantwell,

The committee of the whole was discharged from the further consideration of

S. B. No. 259; To protect the legislative and judicial departments of the State from the corrupting influences of corporations; and,

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On motion, said bill was referred to a select committee of three—Messrs. Cantwell, Shideler and Kincaid.

Mr. Schleich, from the standing committee on Finance, reported back

S. J. R. No. 84; Relative to instructing the Attorney General to assist in defending the suit of Elias Plumb vs. the treasurer of Fairfield county, et al., and recommended its passage.

The question then being on the adoption of the resolution,

The yeas and nays were ordered, and resulted—yeas 22, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Hatch, Henkle, Kincaid, Langdon, Morrow, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Slade, Thomas, Westcott and Winans—22.

Those who voted in the negative were—

Messrs. Cadwell, Green and Miles—3.

So said resolution was agreed to.

Mr. Phelps, from a select committee, reported back

S. B. No. 303; To provide for the election of township assessors, and to prescribe their duties; with sundry amendments; which were agreed to.

Said bill was then ordered to be engrossed, and read a third time to-morrow.

Mr. Canfield, from the standing committee on Reform Schools and State Asylum for Idiots, reported back

H. B. No. 377; To amend and supplementary to an act entitled "an act to provide for the establishment and government of Reform Schools," passed April 2, 1858.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 21, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Corwine, Gard, Green, Henkle, Kincaid, McKelly, Morrow, Perrill, Phelps, Safford, Schleich, Slade, Smith, Taylor, Thomas, Vanatta and Winans—21.

Those who voted in the negative were—

Messrs. Chapman, Hatch, Langdon, Miles, Perkey, Shideler and Westcott—6.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House agrees to Senate amendments to

H. B. No. 362; To authorize the commissioners of Coshocton county to borrow money to supply the deficiency in the treasury of said county.

Attest: JOHN W. KERR, Clerk.

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Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 393; To provide for the repairs of the Public Works of the State by contract.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

On motion of Mr. Winans,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

WEDNESDAY, MARCH, 23, 1859.

Prayer by Rev. Mr. Davis.

Mr. Smith presented the remonstrance of Jacob Shank and 76 others, of Butler county, against the letting of the canal contracts; also the remonstrance of M. V. Barkaleu and 70 others, on the same subject.

Severally referred to the standing committee on Public Works.

Mr. Thomas presented the petition of J. D. Caldwell and 20 other citizens of Hamilton county, praying for a change in the law regulating the pay of district assessors.

Referred to the standing committee on Finance.

Also the petition of John B. Hirst and 11 others, praying for the restoration of the canal contracts.

Referred to the standing committee on Public Works.

Mr. Holloway presented the memorial of John Meyer and others, relative to Central Ohio Railroad bonds.

Referred to a select committee of one—Mr. Holloway.

Mr. Hatch presented the petition of certain business men, praying that their business labels, stamps and brands, be protected from being counterfeited.

Referred to the standing committee on the Judiciary.

Mr. Winans presented the petition of James B. Smart and 9 others, relative to universities and colleges.

Referred to a select committee of three—Messrs. Winans, Phelps and Thomas.

The following bills were severally read a second time, and disposed of as follows:

H. B. No. 475; Providing for making a general index for the clerk's office of the court of common pleas of Gallia county.

Committed to a committee of the whole Senate.

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H. B. No. 438; To provide for the payment of indebtedness of townships for the benefit of the poor.

Referred to the standing committee on Municipal Corporations.

H. B. No. 489; To amend the fourth section of an act entitled an act to authorize the making of real estate indexes, and further to prescribe the duties of county commissioners and recorders in certain counties, passed February 14, 1859.

Referred to a select committee of three—Messrs. Langdon, Thomas and Hatch.

H. B. No. 420; To authorize the city council of the city of Hamilton to appoint commissioners to drain Old River, and for other purposes.

Committed to a committee of the whole Senate.

H. B. No. 484; To amend section six of an act to amend the act entitled "an act to provide for the organization of cities and incorporated villages," passed March 11, 1853.

Referred to a select committee of three—Messrs. Langdon, Hatch and Thomas.

H. B. No. 393; To provide for the repairs of the public works of the State by contract.

Referred to the standing committee on Public Works.

H. B. No. 390; Authorizing the school directors of school district No. 8, in Madison township, Butler county, to sell a school lot in the incorporated village of Miltonville in said county.

Committed to a committee of the whole Senate.

H. B. No. 497; To amend the 53d section of an act entitled an "act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," passed April 13, 1852.

Referred to the select committee on the revision of the tax law.

S. B. No. 302; Prescribing the duties of county auditors.

Referred to the standing committee on Finance.

H. B. No. 326; Defining the jurisdiction of probate courts in criminal cases in the counties of Pike, Jackson, Portage, Clermont, Carroll, Gallia, Butler, Lucas, Hocking, Defiance and Columbiana.

Referred to a select committee of eleven, composed of the Senators from the several counties mentioned in said bill.

S. B. No. 284; To authorize the city of Cleveland to appoint inspectors of provisions and other articles,

Was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Murdock, Perkey, Phelps, Reid, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—28.

So said bill, having received a constitutional majority, was passed.

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Mr. Slade moved to amend the title as follows:

Strike out the same and insert—To authorize the city councils in cities of the first class, having a population of less than 80,000 inhabitants, and more than 35,000, to appoint inspectors of provisions and other articles.

Which was agreed to.

The title of the bill, as amended, was then agreed to.

S. B. No. 300; To provide for the enlargement of the Ohio Penitentiary,

Was read a third time, and the question being,

"Shall the bill pass?"

Mr. Winans moved to amend by striking out the following words in the ninth and tenth lines of the seventh section: "or entitled him to any remuneration in addition to his salary."

Mr. Cantwell moved to refer said bill, with the pending amendment, to the standing committee on Finance; which was agreed to.

S. B. No. 303; To provide for the election of township assessors, and to prescribe their duties, was read the third time, and the question being,

"Shall the bill pass?"

Mr. Winans moved to amend by adding, after the words "county auditor," in 15th line, section two, the words "probate judge, and the clerk of the court of common pleas;" which was lost.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 31, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Murdock, Perkey, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—31.

Those who voted in the negative were—

Messrs. Cadwell and Morrow—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

H. B. No. 455; Relating to jurors, was read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 20, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Chapman, Gard, Gatch, Green, Hatch, Holloway, Kincaid, McKelly, Murdock, Phelps, Reid, Slade, Smith, Taylor, Westcott and Winans—20.

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Those who voted in the negative were—

Messrs. Canfield, Henkle, Miles, Morrow, Shideler, Schleich and Vanatta—7.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 473; To authorize the commissioners of Henry county to issue bonds to facilitate the completion of the Miami River bridge, at Napoleon, was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 26, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid Langdon, McCleary, McKelley, Miles, Morrow, Murdock, Perkey, Phelps, Shideler, Slade, Smith, Taylor, Thomas and Westcott—26.

Those who voted in the negative were—

Messrs. Canfield, Holloway and Winans—3.

So said bill, having received a constitutional majority, was passed.

The preamble of the bill was then agreed to.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House accedes to the request of the Senate, for a committee of conference on the subject matter of difference between the two houses, on

H. J. R. No. 79; Relative to the assignment of rooms to the Comptroller of the Treasury, and has appointed Messrs. Paine, Thompson and Hubbell, said committee on the part of the House.

Attest: JOHN W. KERR, Clerk.

The President appointed Messrs. Langdon and Taylor as said committee on the part of the Senate.

Message from the House of Representatives.

Mr. President:

The House requests a committee of conference on the subject matter of difference between the two houses, on

S. J. R. No. 73; Relative to procuring flags for the Capitol, and appoints Messrs. Andrews, Ambler and Dobmeyer, as said committee on the part of the House.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Phelps,

The Senate acceded to the request of the House, and appointed Messrs. Safford and Gatch as a committee on the part of the Senate.

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Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 84; Instructing the Attorney General to assist in defending the suit of Elias Plumb vs. the Treasurer of Fairfield county, et al.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. B. No. 159; To provide for the regulation and support of common schools in the city of Cleveland.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 241; To extend the time of payment for school section 16, Ludlow township, Washington county; also,

S. B. No. 267; To authorize the incorporated village of New Richmond, in Clermont county, to borrow money to erect a town hall in said village.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

H. J. R. No. 83; Relative to repairing the crib of the dam at McConnelsville, in Morgan county, and requests the concurrence of the Senate in the same.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. Green,

Said resolution was referred to the standing committee on Public Works.

Mr. McCleary, on leave, introduced a bill,

S. B. No. 304; To provide for the partition of real estate,

Which was read the first time.

Mr. Cadwell, on leave, introduced a bill,

S. B. No. 305; To amend an act supplementary to an act prescribing the duties of supervisors, and relating to roads and highways, passed February 13, 1853, and to repeal an act prescribing the duties of supervisors, and relating to roads and highways, passed April 8, 1856, also prescribing the duties of county commissioners, county auditors, and township clerks and supervisors, passed April 12, 1858,

Which was read the first time.

On motion of Mr. Cadwell,

The printing of said bill was dispensed with.

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Mr. Schleich, from the standing committee on the Militia, reported back

H. B. No. 406; For the further organization and discipline of the militia and volunteer militia,

With amendments, which were agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 24, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cantwell, Cass, Chapman, Corwine, Gard, Green, Hatch, Henkle, Kincaid, Miles, Murdock, Perkey, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas and Westcott—24.

Those who voted in the negative were—

Messrs. Canfield, Gatch, Holloway, Langdon, McKelly, Morrow, Vanatta and Winans—8.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Schleich, from the same committee, reported back

H. B. No. 418: To organize and regulate an independent militia.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 26, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, Miles, Morrow, Murdock, Perkey, Phelps, Safford, Schleich, Slade, Taylor, Thomas, Vanatta, Westcott and Winans—26.

Those who voted in the negative were—

Messrs. Gard, Holloway and Smith—3.

So said bill, having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

Mr. Morrow, from the standing committee on Schools and School Lands, reported back

S. B. No. 283; To amend section 45 of the act entitled an act for the re-organization and maintenance of common schools, passed March 1, 1853.

On motion, said bill was referred to a select committee of three.

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Mr. Cadwell, from the Judiciary committee, reported back

H. B. No. 434; To punish trespassers on public and other lands,

With amendments, which were agreed to.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McKelly, Miles, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Shideler, Schleich, Slade, Taylor, Thomas, Vanatta, Westcott and Winans—31.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Green, from a joint select committee on the claim of S. Medary, made a lengthy report, accompanied with a resolution, which was laid on the table and ordered to be printed.

On motion of Mr. Schleich,

The Senate took a recess.

THREE O'CLOCK P. M.

The President directed a call of the Senate, when 17 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

Mr. Langdon, from the standing committee on Corporations other than Municipal, reported back

H. B. No. 415; Supplementary to an act entitled an act to make it the duty of county auditors to levy extra taxes for road purposes in certain cases, passed May 1, 1854,

With sundry amendments, which were agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 18, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Gard, Green, Hatch, Kincaid, McCleary,

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Miles, Murdock, Perkey, Reid, Schleich, Slade, Smith, Taylor, Vanatta and Winans—18.

Those who voted in the negative were—

Messrs. Chapman, Corwine, Gatch, Henkle, Morrow, Phelps, Safford, Thomas and Westcott—9.

So said bill, having received a constitutional majority, was passed.

Mr. Langdon moved to amend the title as follows:

Strike out the same and insert—"An act to authorize county commissioners to surrender free turnpike roads in certain cases;"

Which was agreed to.

The title, as amended, was then agreed to.

Mr. Perkey, from the standing committee on Roads and Highways, reported back

S. B. No. 204; Supplementary to an act entitled "an act supplementary to an act entitled 'an act prescribing the duties of supervisors, and relating to roads and highways,'" passed February 13, 1853, and to repeal an act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed April 8, 1856; also prescribing the duties of county commissioners, county auditors, township clerks and supervisors; also to repeal certain other acts therein named, passed April 12, 1858,

Without amendment.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 24, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Canfield, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, McCleary, Miles, Murdock, Perkey, Phelps, Reid, Schleich, Slade, Taylor, Thomas, Vannatta, Westcott and Winans—24.

Mr. Morrow voted in the negative.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Taylor, from the select committee on the revision of the tax law, reported back

S. B. No. 231; To provide for the semi-annual collection of taxes,

With amendments, which were agreed to.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Hatch, from a select committee, reported back

S. B. No. 231; To amend sections 6 and 25 of the act entitled "an act further

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to provide for the better regulation of the receipt, disbursement and safe-keeping of the public revenue," passed April 12, 1858,

With amendments to the amendment, which were agreed to.

Said amendment, as amended, was then agreed to.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Morrow, from a select committee, reported back

H. B. No. 432; To authorize the town council of the incorporated village of Delaware to borrow money.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, McCleary, Miles, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—27.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Henkle, from a select committee, reported back

H. B. No. 411; Relating to the partition of real estate held in common by religious societies.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cass, Chapman, Corwine, Gard Gatch, Green, Hatch, Henkle, Kincaid, McCleary, Miles, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Schleich, Slade, Smith, Taylor, Vanatta, Westcott and Winans—27.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Miles, from a select committee, reported back

S. B. No. 290; To amend section 3 of the act entitled "an act regulating the fees of sheriffs in civil and criminal cases," passed March 13, 1857.

Said bill was then ordered to be engrossed and read a third time to-morrow.

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Mr. Phelps, from the standing committee on Finance, reported back

H. B. No. 21; To repeal an act entitled an act further defining the duties of county treasurers, passed April 8, 1856, and the acts amendatory thereto, passed April 10, 1857.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read the third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 19, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Chapman, Gatch, Green, Hatch, Henkle, Kincaid, Miles, Morrow, Murdock, Phelps, Reid, Safford, Schleich, Smith, Thomas, Westcott and Winans—19.

Those who voted in the negative were—

Messrs. Cadwell, Cass, Corwine, McCleary, Slade, Taylor and Vanatta—7.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Schleich, from the standing committee on Public Works, reported back

H. J. R. No. 57; Relative to the contract of Dennis McCarty & Co. on Lancaster Side-Cut.

Said resolution was then agreed to.

Mr. Phelps, from the Judiciary committee, reported back

H. B. No. 364; To authorize the town council of the incorporated village of Calais, in Monroe county, to levy a tax for the purpose of improving the streets in said town, and for other purposes.

Said bill was referred to a select committee of one—Mr. Morrow.

Mr. Miles, from a select committee, reported back

S. B. No. 261; To limit the operation of an act entitled "an act to repeal the ten per cent. law, passed March 14, 1850, passed February 25, 1859,

With amendments, which were agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk and ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

Mr. Taylor moved to amend by adding to end of first section the following:

Provided, that nothing in this act contained shall authorize the collection of more than six per cent. interest on the amount of any judgment hereafter recovered.

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On which amendment the yeas and nays were demanded, and being ordered, resulted—yeas 8, nays 22, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Gatch, Langdon, Perkey, Reid and Taylor—8.

Those who voted in the negative were—

Messrs. Cass, Chapman, Corwine, Gard, Green, Hatch, Henkle, Holloway, Kincaid, McCleary, McKelly, Miles, Morrow, Murdock, Phelps, Safford, Shideler, Schleich, Slade, Smith, Thomas and Winans—22.

So said amendments were not agreed to.

Mr. Langdon moved that the Senate do now adjourn, which was lost.

Mr. Slade moved that the Senate take a recess until 7 o'clock P. M., which was agreed to.

Attest: G. W. BLAIR, Clerk.

SEVEN O'CLOCK, P. M.

The President directed a call of the Senate, when 20 Senators answered to their names.

The Sergeant-at-Arms was dispatached after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

The question then being, shall

S. B. No. 261; To limit the operation of the act entitled "an act to repeal the ten per cent. law, passed March 14, 1850," passed February 25, 1859, pass?

The yeas and nays were ordered, and resulted—yeas 19, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Corwine, Hatch, Holloway, Kincaid, Henkle, McCleary, McKelly, Miles, Morrow, Murdock, Phelps, Safford, Shideler, Schleich, Slade, Smith, Thomas and Winans—19.

Those who voted in the negative were—

Messrs. Cadwell, Chapman, Langdon, Perkey, Reid, Taylor and Westcott—7.

So said bill, having received a constitutional majority, was passed.

The title of the bill was amended by filling the blank in the same with the figures "25."

The title, as amended, was then agreed to.

Mr. Langdon, from the standing committee on Corporations other than Municipal, reported back

H. B. No. 287; To protect gas companies.

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The question then being on ordering said bill to be read a third time, the same was decided in the affirmative.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 26, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Chapman, Corwine, Gard, Gatch, Hatch, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Thomas, Vanatta and Westcott—26.

Those who voted in the negative were—

Messrs. Henkle and Taylor—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Canfield moved that the committee of the whole be discharged from the further consideration of

S. B. No. 202; To provide for a geological survey of the State, and the same be referred to a select committee of one—Mr. Canfield; which was agreed to.

Mr. Taylor, from a select committee, reported back

S. B. No. 272; To change the territorial limits of the city of Cleveland, and of the township of Eeast Cleveland.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

Mr. Taylor demanded a call of the Senate, when 26 Senators answered to their names.

The Sergeant-at-Arms was despatched after the absentees. Several members appearing within the bar of the Senate, all further proceedings under the call were dispensed with.

The question then recurring on the passage of the bill,

The yeas and nays were ordered, and resulted, yeas 13, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cass, Corwine, Gard, Holloway, Kincaid, Morrow, Perkey, Phelps, Safford, Shideler, Taylor and Vanatta—13.

Those who voted in the negative were—

Messrs. Cadwell, Chapman, Gatch, Hatch, McCleary, McKelly, Murdock, Reid, Schleich, Slade, Smith, Thomas, Westcott and Winans—14.

So said bill not having received a constitutional majority, was lost.

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Mr. Smith moved that the committee of the whole be discharged from the further consideration of

H. B. No. 420; and H. B. No. 390; which was agreed to.

On motion, said bills were severally referred to a select committee of one—Mr. Smith.

On motion of Mr. Hatch,

S. B. No. 293, was made the special order of the day for Thursday, March 24, and from day to day until disposed of.

On motion of Mr. Reid,

The committee of the whole was discharged from the further consideration of

S. B. No. 265; Supplementary to the act to provide for the organization of cities and incorporated villages; passed May 3, 1852; and the same was referred to a select committee of two—Messrs. Reid and Gatch.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following House joint resolution, and the same is now ready for the signature of the President of the Senate:

H. J. R. No. 57; Relative to the contract of Dennis McCarthy & Co., on Lancaster Side-cut.

Attest: JOHN W. KERR, Clerk.

The President of the Senate then signed the foregoing joint resolution in the presence of the Senate, as required by the constitution.

On motion of Mr. Safford,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

THURSDAY, MARCH 24, 1859.

Prayer by the Rev. Mr. Davis.

Messrs. Green, Henkle, Miles and Perrill, asked and obtained leave to record their votes on S. B. No. 272; To change the territorial limits of the city of Cleveland, and of the township of East Cleveland, and being called, severally voted in the negative.

S. B. No. 290; To amend section 3 of the act entitled "an act regulating the fees of sheriffs in civil and criminal cases," passed March 13, 1837,

Was read a third time, and the question being,

"Shall the bill pass?"

Mr. Miles moved to amend said bill as follows:

Add after the word "county," in the seventh line, the following: "Which certificate shall not be issued until after the final order of the court in the premises, and if judgment shall be rendered against the defendant, then the certificate shall

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not be issued by such clerk until after an execution shall have been issued and returned by the proper officer, endorsed—no goods or chattels, lands or tenements found, whereon to levy."

Mr. Morrow moved that said bill, with the pending amendment, be referred to a select committee of three, which was agreed to, and Messrs. Morrow, Miles and Smith were appointed said committee.

S. B. No. 231; To amend sections 6 and 25 of the act entitled "an act further to provide for the better regulation of the receipt, disbursement and safe keeping of the public revenue," passed April 12, 1858,

Was read the third time, and the question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 20, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Chapman, Corwine, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—20.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Gard, Gatch, Henkle, Holloway, McCleary, Miles, Slade, Taylor and Winans—11.

So said bill, having received a constitutional majority, was passed.

Mr. Hatch moved that the title be amended by inserting after the word "twenty-five," the words "fifteen" and "twenty-seven," which was agreed to.

The title, as amended, was then agreed to.

S. B. No. 281; To provide for the semi-annual collection of taxes,

Was read the third time, and referred to a select committee of one—Mr. Westcott.

S. B. No. 305; To amend an act supplementary to an act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed February 13, 1853, and to repeal an act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed April 8, 1856; also "prescribing the duties of county commissioners, county auditors, township clerks and supervisors," passed April 12, 1858,

Was read the second time, and referred to a select committee of one—Mr. Cadwell.

Message from the House of Representatives.

Mr. President:

The House has refused to concur in Senate amendments to

H. B. No. 455; Relating to jurors.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Ashmun,

The Senate insisted on its amendment, and asked a committee of conference.

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Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 493; To enable the commissioners of Lucas county to increase the tax levy for the purpose of meeting current expenses.

Attest: JOHN. W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills, and the same are now ready for the signature of the President of the Senate:

H. B. No. 231; To provide for locating, establishing, and constructing ditches, drains and water courses.

S. B. No. 263; To appropriate the proceeds of the sale of old arms heretofore collected, to the purchase of a site, and the erection of the State Arsenal thereon.

Attest: JOHN W. KEES, Clerk.

The President of the Senate then signed the foregoing bills in the presence of the Senate, as required by the constitution.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. B. No. 406; For the further organization and discipline of the militia and volunteer militia.

Attest: JOHN W. KEES, Clerk.

Mr. Holloway, on leave, introduced a bill:

S. B. No. 306; To authorize the commissioners of Belmont county to loan certain money; which was read the first time.

Mr. Reid, from the standing committee on Privileges and Elections, reported back

H. B. No. 358; To authorize county commissioners to alter or change the bounds of election precincts, with amendments; which were agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time.

On motion of Mr. Hatch,

Said bill was referred to a select committee of three—Messrs: Hatch, Westcott and Smith.

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Mr. Phelps, from the standing committee on the Judiciary, reported back

S. B. No. 250; For the relief of railroad companies in certain cases, with amendments.

Said bill, with pending amendments, was then referred to the standing committee on Corporations other than Municipal.

Mr. Phelps, from the same committee, reported back

H. B. No. 425; To amend an act entitled "an act to provide for the recording of land patents," passed March 14, 1836, with amendments, which were agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cass, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—30.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from the same committee, reported back

H. B. No. 491; Requiring township clerks to give bonds, and recommended its passage.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time to-morrow.

Mr. Reid, from the standing committee on Federal Relations, reported back

H. J. R. No. 81; Relative to the promotion of commander M. F. Maury.

The question then being on agreeing to said resolution,

The yeas and nays were demanded, and being ordered, resulted—yeas 12, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cass, Chapman, Corwine, Hatch, Kincaid, McCleary, Perkey, Safford, Shideler and Vanatta—12.

Those who voted in the negative were—

Messrs. Gard, Gatch, Henkle, Holloway, Langdon, McKelly, Miles Perrill, Phelps, Reid, Slade, Smith, Taylor, Thomas, Westcott and Winans—16.

So said resolution was not agreed to.

Mr. Perkey asked and obtained leave to change his vote on

S. B. No. 272; To change the territorial limits of the city of Cleveland, and of the township of East Cleveland; and being called, voted "no."

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Mr. Shideler, from the standing committee on Agriculture, reported back

H. B. No. 437; To authorize county agricultural societies to sell fair grounds in certain cases, and recommended its passage.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

Mr. Langdon moved that said bill be indefinitely postponed.

On which motion, the yeas and nays were ordered, and resulted—yeas 2, nays 26, as follows:

Those who voted in the affirmative were—

Messrs. Langdon and Murdock—2.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Cass, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Kincaid, Miles, Morrow, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Vanatta, Westcott and Winans—26.

So said motion was not agreed to.

The question then recurring on the passage of the bill,

The yeas and nays were ordered and resulted—yeas 25, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cass, Chapman, Corwine, Gard, Gatch, Henkle, Holloway, Kincaid, Miles, Morrow, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Vanatta, Westcott and Winans—25.

Those who voted in the negative were—

Messrs. Hatch, Langdon, McKelly, Murdock, Taylor and Thomas—6.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Shideler, from the standing committee on Agriculture, reported back

H. B. No. 460; To prevent the running at large of swine.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read the third time to-morrow.

Mr. Phelps, from the standing committee on the Judiciary, reported back

H. B. No. 474; To amend the 10th section of "an act relating to juries," passed February 9, 1831,

And the same was then ordered to be read the third time now.

Said bill was then read the third time, and referred to a select committee of one—Mr. Reid.

On motion of Mr. Henkle,

The Senate took a recess.

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THREE O'CLOCK P. M.

Mr. Phelps, from the standing committee on Finance, reported back

H. B. No. 424; To amend section 32 of an act entitled "an act regulating the fees of county auditors," passed March 19, 1838, and took effect May 1, 1838,

With amendments, which were agreed to.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Chapman, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—28.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Shideler, from the standing committee on Agriculture, reported back sundry petitions, and said committee was discharged from the further consideration of the same.

Mr. Schleich, from the majority of the standing committee on Public Works, reported back

H. B. No. 393; To provide for the repairs of the Public Works of the State by contract,

Recommending that said bill be indefinitely postponed.

Mr. Smith moved that said bill be laid on the table.

Mr. Schleich demanded a call of the Senate, which was had, and 31 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

The question then being on laying said bill on the table,

The yeas and nays were ordered and resulted—yeas 13, nays 20, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cass, Chapman, Hatch, Morrow, Phelps, Reid, Safford, Shideler, Smith, Vanatta and Westcott—13.

Those who voted in the negative were—

Messrs. Cadwell, Corwine, Gard, Gatch, Green, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Murdock, Perkey, Perrill, Schleich, Slade, Taylor, Thomas and Winans—20.

So said motion was disagreed to.

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The question then recurring on the indefinite postponement of the bill,

The yeas and nays were ordered, and resulted—yeas 21, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Corwine, Gard, Gatch, Green, Henkle, Holloway, Langdon, McCleary, Miles, Murdock, Perkey, Perrill, Schleich, Slade, Taylor, Thomas, Vanatta and Winans—21.

Those who voted in the negative were—

Messrs. Cass, Chapman, Hatch, Kincaid, Morrow, Phelps, Reid, Safford, Shideler, Smith and Westcott—11.

So the motion prevailed, and said bill was indefinitely postponed.

Mr. Schleich moved that the vote by which

H. B. No. 393; To provide for the repairs of the public works of the State by contract,

Was indefinitely postponed, be reconsidered.

Mr. Westcott moved to lay said motion on the table.

On which motion, the yeas and nays were ordered, and resulted—yeas 9, nays 23, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Chapman, Hatch, Morrow, Phelps, Shideler, Smith, Vanatta and Westcott—9.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Corwine, Gard, Gatch, Green, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Murdock, Perkey, Perrill, Reid, Safford, Schleich, Slade, Taylor, Thomas and Winans—23.

So said motion was lost.

The question then recurring on the motion to reconsider the vote by which said bill was indefinitely postponed,

The yeas and nays were ordered, and resulted—yeas 13, nays 20, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Chapman, Hatch, Kincaid, McKelly, Morrow, Reid, Safford, Shideler, Slade, Smith, Vanatta, and Westcott—13.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Corwine, Gard, Gatch, Green, Henkle, Holloway, Langdon, McCleary, Miles, Murdock, Perkey, Perrill, Phelps, Schleich, Taylor, Thomas and Winans—20.

So said motion did not prevail.

Mr. Slade, from a majority of the select committee on the sujbect, reported back

H. B. No. 146; To provide for the removal of the seat of justice of Perry county from the town of New Lexington to the town of Somerset, in said county, with the pending amendment.

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The question being on agreeing to the following amendment: add to the end of section one:

Provided that said removal shall not take place until suitable public buildings belonging to the county shall have been provided in the town of Somerset, for the accommodation of the courts and the several county officers, and also a suitable jail; and provided further that the friends of removal shall give bond in such sum as may be required by the county commissioners, to indemnify the county against taxation, for the purchase, erection or repair of such buildings.

The yeas and nays were demanded, and being ordered, resulted—yeas 13, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Canfield, Cass, Gard, Hatch, Holloway, Kincaid, Morrow, Shideler, Thomas, Vanatta, Westcott and Winans—13.

Those who voted in the negative were—

Messrs. Ashmun, Chapman, Corwine, Gatch, Langdon, McCleary, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Schleich, Slade Smith and Taylor—18.

So said amendment was not agreed to.

The question then recurring on the passage of the bill,

The yeas and nays were ordered, and resulted—yeas 18, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Chapman, Corwine, Gatch, Henkle, Langdon, McCleary McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Schleich, Slade, Taylor and Thomas—18.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Cass, Gard, Green, Hatch, Holloway, Kincaid, Morrow, Shideler, Smith, Vanatta, Westcott and Winans—15.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Canfield, from a select committee, reported back

H. B. No. 202; To provide for a geological survey of the State of Ohio.

The question then being on ordering said bill to be engrossed, the same was agreed to.

Said bill was then engrossed at the clerk's desk, and ordered to be read the third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 18, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cass, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Safford, Slade, Smith, Taylor, Vanatta, Westcott and Winans—18.

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Those who voted in the negative were—

Messrs. Chapman, Corwine, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Schleich and Thomas—13.

So said bill, having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

Mr. Green moved that the vote by which said bill was passed, be reconsidered;

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 12, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Chapman, Corwine, Hatch, Langdon, McKelly, Murdock, Perkey Phelps, Reid, Shideler, Schleich and Thomas—12.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Cass, Gard, Gatch, Green, Henkle, Holloway, Kincaid, McCleary, Safford, Slade, Taylor, Vanatta, Westcott and Winans —17.

So said motion did not prevail.

Mr. Winans, from a select committee, reported by bill,

S. B. No. 307; Supplementary to an act to enable the trustees of colleges, academies, universities and other institutions for the purpose of promoting education, to become bodies corporate, and the acts amendatory thereof and supplementary thereto.

Which was read the first time.

Mr. McCleary asked and obtained leave to record his vote on

S. B. No. 202; To provide for a geolocigal survey of the State of Ohio,

And being called, voted aye.

Mr. Hatch, from the standing committee on Privileges and Elections, reported back,

H. B. No. 358; To authorize county commissioners to alter or change the boundaries of election precincts,

With amendments, which were agreed to.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Safford, Schleich, Slade, Taylor, Thomas, Westcott and Winans—26.

So said bill, having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

Mr. Cadwell, from a select committee, reported back

S. B. No. 305; To amend an act supplementary to an act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed February 13, 1853, and to repeal an act entitled "an act prescribing the

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duties of supervisors, and relating to roads and highways," passed April 8, 1856; also "prescribing the duties of county commissioners, county auditors, township clerks and supervisors," passed April 12, 1858.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read the third time to-morrow.

Mr. Westcott, from a select committee, reported back

S. B. No. 281; To provide for the semi-annual collection of taxes, with an amendment; which was agreed to.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 23, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cass, Chapman, Corwine, Gard, Hatch, Henkle, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Taylor, Thomas and Westcott—23.

Those who voted in the negative were—

Messrs. Cadwell, Gatch, Green, Holloway, McCleary, Miles and Winans—7.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Safford, from the select committee on the subject, made the following report:

The undersigned committee, appointed under and in accordance with the resolution of the Senate, passed March 11, 1859, to inquire into the reason for the statement of Thomas H. Ford, in his evidence before the Treasury Investigating Committee, that they, the said Ford and Pennington "felt certain of it, (the bill or resolution for the relief of the sureties of Messrs. Breslin and Gibson) going through the Senate," have had the same under consideration, and

REPORT:

That by a communication received from said Thomas H. Ford, we are satisfied that said Ford had no reason whatever to sustain his assertion, that he and Mr. Pennington felt certain that the measure would go through the Senate, except his own supposition, without either public or private assurances on the part of any Senators, that they would support the measure. The committee have also examined a statement from Mr. Pennington upon the subject of this reference, in which he also shows that he never had the assurance or promise of any Senator that he would support the measure.

There had been no action upon the subject by the Senate while in session; and as these communications of Messrs. Ford and Pennington free all Senators from any suspicion that they, or any of them, had taken any secret action, or given any private assurances upon the subject, your committee ask to be discharged from the further consideration of the subject.

W. H. SAFFORD,
D. CADWELL,
R. McKELLY.

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Mr. Westcott, from a select committee on the subject, reported back

H. B. No. 431; To authorize the commissioners of Henry county, to borrow money to pay the county debt.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cass, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Kincaid, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Schleich, Slade, Thomas, Westcott and Winans—23.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Langdon, from a select committee, reported back

H. B. No. 489; To amend the fourth section of an act entitled an act to authorize the making of real estate indexes, and further to prescribe the duties of county commissioners and recorders in certain counties, passed February 14, 1859.

Said bill was ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 24, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Cass, Chapman, Corwine, Gard, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Safford, Shideler, Schleich, Slade, Taylor and Westcott—24.

Those who voted in the negative were—

Messrs. Gatch and Winans—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Safford offered the following resolution, which was agreed to.

Resolved by the General Assembly of the State of Ohio, That the printing of the report of the Treasury Investigating Committee, heretofore ordered, be, and the same is hereby ordered to be executed in advance of all other public printing except the bills and laws; and that the Secretary of State be, and he is hereby authorized and required, immediately after the printing and binding of the 15,000 copies of said report and evidence, and the 2,000 copies in German, as heretofore ordered, to apportion the same equally among the members of the present Legislature, and to box up and forward the same to said members at their respective residences; the charges of transportation to be paid in the same manner as is, or may be, provided by law for the distribution of the laws and journals.

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Mr. Cass, from the standing committee on Fees and Salaries, reported back

S. B. No. 248; To amend section five of an act entitled "an act to regulate the fees of clerks of the court of common pleas," passed May 1, 1854.

Said bill was then ordered to be engrossed at the clerk's desk and read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 16, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Henkle, Holloway, McKelly, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich and Westcott—16.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Gard, Gatch, Hatch, McCleary, Miles, Morrow, Slade, Vanatta and Winans—11.

So said bill, not having received a constitutional majority, was lost.

Mr. Henkle, from a select committee, reported back

S. B. No. 268; To provide for the removal of obstructions from turnpikes or plankroads;

Which was ordered to be engrossed for its third reading.

Said bill was then engrossed at the clerk's desk and ordered to be read the third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 18, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cass, Corwine, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Perkey, Reid, Safford, Slade and Winans—18.

Those who voted in the negative were—

Messrs. Cadwell, Chapman, Gard, Morrow, Perrill, Phelps, Shideler, Taylor, Vanatta and Westcott—10.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Chapman,

The report of the committee on the Kendal Charity School was taken from the table, and referred to the standing committee on the Judiciary.

On motion of Mr. Winans,

The report of the Auditor on the claim of H. W. Derby & Co., was taken from the table, and referred to the standing committee on the Judiciary.

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The President laid before the Senate the following communication:

COLUMBUS, March 24, 1859.

To the Honorable the President of the Senate:

SIR:—We have this day delivered to the Speaker of the House of Representatives, as the body in which the resolution originated, our report, called for under H. J. R. No. 80. We regret that the early day at which it is understood the Legislature will adjourn, did not admit of the delay necessary to the preparing of a second copy, but trust that no inconvenience will result to the Senate from our inability to do so.

We remain, with great respect,
Your obedient servants,
RICHARD PAGE,
H. W. JAEGER,

On motion of Mr. Ashmun,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

FRIDAY, MARCH 25, 1859.

Prayer by the Rev. Mr. Davis.

Mr. Cantwell asked and obtained leave to record his vote on the indefinite postponement of H. B. No. 393; To provide for the repairs of the public works of the State by contract, and being called, voted "no."

Mr. Vanatta asked and obtained leave to change his vote on the indefinite postponement of the same bill, and being called, voted "no."

S. B. No. ——; To amend the act entitled an act to provide for the partition of real estate,

Was read a second time, and referred to the standing committee on the Judiciary.

H. B. No. 493; To enable the commissioners of Lucas county to increase the tax levy for the purpose of meeting current expenses,

Was read a second time, and referred to a select committee of one—Mr. Westcott.

S. B. No. 305; To amend an act supplementary to an act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed February 13, 1853, and to repeal an act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed April 8, 1856; also "prescribing the duties of county commissioners, county auditors, township clerks and supervisors," passed April 12, 1858,

Was read the third time, and the question being,

"Shall the bill pass?"

Mr. Westcott moved to refer said bill to the select committee on the revision of the tax law, which was agreed to.

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H. B. No. 460; To prevent the running at large of swine,

Was read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 21, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cass, Chapman, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, Miles, Perkey, Perrill, Safford, Shideler, Schleich, Slade, Smith, Taylor and Thomas—21.

Those who voted in the negative were—

Messrs. Corwine, Gatch, McCleary, McKelly, Morrow, Murdock, Phelps, Vanatta, Westcott and Winans—10.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

H. B. No. 471; Requiring township clerks to give bonds,

Was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 26, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Chapman, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Safford, Schleich, Slade, Smith, Taylor, Thomas, Vanatta and Westcott—26.

Mr. Langdon voted in the negative.

So said bill, having received a constitutional majority, was passed.

Ordered that the title of the bill be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No. 496; To authorize the lessees of ministerial section twenty-nine and school section sixteen in Homer township, Morgan county, to surrender their leases and receive deeds.

H. B. No. 504; To prohibit the commissioners of Perry county, Ohio, from levying or collecting any tax to repair or purchase the county buildings at Somerset, Perry county Ohio.

H. B. No. 284; To amend section two of the act entitled "an act to relieve the district court and to give greater efficiency to the judicial system of the State," passed April 12, 1858, and supplementary to said act.

Attest: JOHN W. KUNS, Clerk.

Said bills were severally read the first time.

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Message from the House of Representatives.

Mr. President:

The House has disagreed to the report of the committee of conference on the disagreement between the two houses on

H. J. R. No. 79; Relative to the assignment of rooms to the Comptroller of the Treasury.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 226; Supplementary to the act entitled an act defining the powers and duties of justices of the peace and constables in criminal cases, passed March 27, 1837.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has indefinitely postponed

S. B. No. 195; To amend section two of the act entitled "an act to relieve the district courts, and to give greater efficiency to the judicial system of the State," passed April 12, 1858.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No. 495; To authorize the commissioners of Hamilton and Clermont counties to build a bridge over the Little Miami River, at Symmestown, in Hamilton county.

H. B. No. 491; To provide for the sale of Asbury Seminary, at Chagrin Falls.

Attest: JOHN W. KEES, Clerk.

Said bills were severally read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed

S B No. 276; For the relief of Samuel Ketchum, treasurer of Coshocton county.

Attest: JOHN W. KEES, Clerk.

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Message from the House of Representatives.

Mr. President:

The House has indefinitely postponed

S. J. R. No. 82; Relative to retaining Harriet Haldeman in the Blind Asylum

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills, and the same are now ready for the signature of the President of the Senate:

S. B. No. 127; To provide for the removal of the seat of justice of Paulding county, from the town of Paulding to the town of Charloe, in said county.

H. B. No. 457; To authorize the opening of a county road through lands owned by the State, in Franklin county.

S. B. No. 85; Providing for enclosing railroads by fences and cattle guards.

H. B. No. 380; To amend an act to authorize the incorporation of mutual insurance companies, passed April 14, 1857.

Attest: JOHN W. KEES, Clerk.

The President of the Senate, in the presence of the Senate, then proceeded to sign the foregoing bills, as required by the constitution.

Message from the House of Representatives.

Mr. President:

The House accedes to the request of the Senate for a committee of conference upon the suject matter of difference between the two houses, on

H. B. No. 455; Relating to jurors, and has appointed Messrs. Rogers of Hamilton, Allen of Ashtabula, and Collins.

Attest: JOHN W. KEES, Clerk.

The President appointed on the part of the Senate, Messrs. Ashmun and Cass as said committee of conference.

Message from the House of Representatives.

Mr. President:

The House concurs in Senate amendment to

H. B. No. 425; To amend an act entitled "an act to provide for the recording of land patents," passed March 14, 1836.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. B. No. 415; Supplementary to the act entitled "an act to make it the duty of county auditors to levy extra taxes for road purposes, in certain cases," passed May 1, 1854.

Also, to Senate amendments to

H. B. No. 287; To protect gas companies.

Attest: JOHN W. KEES, Clerk.

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Message from the House of Representatives.

Mr. President:

The House has passed the following H. J. Resolution, and requests the concurrence of the Senate in the same:

H. J. R. No. 93; Relative to the claim of Joseph Snider.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. Green,

Said resolution was referred to the standing committee on Public Works.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 494; To amend section 374 of "an act to establish a code of civil procedure," passed March 11, 1853.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Mr. Langdon, on leave, introduced a bill:

S. B. No. 308; To amend an act to regulate the manner in which grand and petit jurors shall be drawn and summoned in Hamilton county, passed May 1, 1852;

Which was read the first time.

Mr. Cantwell, on leave, introduced a bill:

S. B. No. 309; To amend an act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852;

Which was read the first time.

Mr. Morrow, from the standing committee on Schools and School Lands, reported back

H. B. No. 453; To amend an act entitled an act to regulate the sale of school lands, and the surrender of permanent leases thereto, passed April 16, 1852.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Chapman, Corwine, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Phelps, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—28.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

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Mr. Taylor, from a select committee, reported back

S. J. R. No. 58; Relative to the case of William J. Jackson, a member of the House of Representatives,

With amendments to the preamble.

The question then being on the adoption of the resolution,

Mr. Langdon moved to lay the same upon the table.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 16, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Corwine, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Phelps, Safford, Shideler, Schleich, Thomas and Westcott —16.

Those who voted in the negative were—

Messrs Ashmun, Cadwell, Canfield, Gatch, Green, Henkle, Holloway, McCleary, Miles, Slade, Taylor, Vanatta and Winans—13.

So said motion prevailed.

Mr. Schleich, from a majority of the committee on Public Works, reported back

S. B No 298; Relating to the Lewistown Reservoir,

With amendments, which were agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 18, nays 12, as follows:

Those who voted in the affirmative were—

Messrs Cantwell, Cass, Chapman, Corwine, Hatch, Kincaid, Langdon, McKelly, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Thomas and Westcott—18.

Those who voted in the negative were—

Messrs. Ashmun, Cadwell, Canfield, Gatch, Green, Holloway, McCleary, Miles, Morrow, Slade, Taylor and Winans—12.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Miles,

S. J. R No. 72; Relative to manufacturing gas in the Ohio Penitentiary,

With the pending amendments, was taken from the table.

The question then being on agreeing to the substitute reported by the select committee,

Mr. Winans moved to refer said resolution, with the amendments, to a select committee of three; which was lost.

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The question then being on agreeing to the said amendments, the same was agreed to.

The question then recurring upon the adoption of the resolution as amended,

The yeas and nays were demanded, and being ordered, resulted—yeas 20, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Cadwell, Canfield, Corwine, Gatch, Hatch, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Phelps, Shideler, Schleich, Slade, Smith, Taylor and Vanatta—20.

Those who voted in the negative were—

Messrs. Ashmun, Cantwell, Chapman, McKelly, Thomas, Westcott and Winans —7.

So said resolution was agreed to.

Mr. Langdon, from the standing committee on Corporations other than Municipal, reported back

S. B. No 271; To authorize associations of persons for the improvement of mineral lands or mines in this State, to become bodies corporate,

With an amendment, which was agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 21, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Chapman, Gatch, Green, Hatch, Henkle, Kincaid, McKelly, Miles, Morrow, Phelps, Shideler, Schleich, Slade, Taylor, Vanatta, Westcott and Winans—21.

Those who voted in the negative were—

Messrs. Holloway and Smith—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Phelps,

The committee of the whole was discharged from the further consideration of

S. B. No. 299; Directing the sale of certain lands in Union county; and the same was referred to a select committee of two—Messrs. Phelps and Ashmun.

Mr. Hatch moved that the Senate now resolve itself into a committee of the whole, on the special order of the day, being

S B No. 292; Making appropriations for the year 1859.

Pending which,

On motion of Mr. Hatch,

The Senate took a recess until two o'clock.

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TWO O'CLOCK P. M.

The President directed a call of the Senate, which was had, when 18 Senators answered to their names.

On motion, Mr. Slade was excused.

On motion of Mr. Gatch,

Mr. Gard was excused.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

The question then being on the Senate resolving itself into a committee of the whole, on the special order of the day, being

S. B. No. 293; Making appropriations for the year eighteen hundred and fifty-nine, the same was agreed to.

Mr. Phelps in the chair; and after some time spent therein, rose and reported progress therein, asked and obtained leave to sit again.

Mr. Cantwell moved that the vote by which

H. B. No. 418; To organize and discipline an independent militia was passed, be reconsidered.

Mr. Taylor moved that that motion to reconsider be laid on the table.

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 16, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cadwell, Canfield, Cantwell, Cass, Chapman, Green, Holloway, Murdock, Safford, Shideler, Smith, Taylor, Thomas Vanatta and Westcott—16.

Those who voted in the negative were—

Messrs. Gard, Gatch, Hatch, Henkle, McKelly, Miles, Morrow, Perrill, Phelps, Schleich and Winans—10.

So said motion prevailed.

Mr. Taylor offered for adoption the following resolution, which was laid on the table, and ordered to be printed:

Resolved by the General Assembly of the State of Ohio, That the Commissioners of the Sinking Fund be and they are hereby authorized and empowered to settle and adjust the unsettled accounts and dealings of the State with the Ohio Life Insurance and Trust Company; and in making such settlement, the Commissioners of the Sinking Fund shall allow and credit said Trust Company the following items, viz:

Amount of over-draft by W. H. Gibson, late Treasurer of State	$6,983 68
Amount of temporary loan to the Commissioners of the Sinking Fund, to pay July interest of 1857	150,000 00
¾ premium for exchange on this sum	1,125 00
Amount paid Atwood & Co., to redeem Seneca County Bank securities, hypothecated by W. H. Gibson	61,590 17
Total	$219,698 85

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And that they debit the said Trust Company the following items, viz:

Balance of proceeds of loan authorized by act of 1856, exceeding the amount of debt redeemed	20,456 51
Balance of special deposit of Auditor by State for Union Bank of Sandusky	9,000 00
Balance due Fund Commissioners on deposit, to pay interest of July, 1857, including $21,263 52 received of Gibson's notes and drafts	21,086 07
Seneca County Bank securities, redeemed from Atwood & Co., and used by the Trust Company	100,000 00
Amount of Seneca County Bank drafts, placed by W. H. Gibson with the Trust Company, and retained	12,000 00
Amount of two drafts on Atwood & Co., of $5,000 each, placed by W. H. Gibson with the Trust Company, and misapplied by the Trust Company	10,000 00
Total	$172,542 58

Which several items of credit and debit are reported by the commissioners to examine the treasury, &c. (See their report, page 197.)

The Commissioners of the Sinking Fund are also authorized to allow and charge interest upon said several items, upon terms just and equitable to both parties.

Mr. Cadwell asked and obtained leave of absence for the balance of the session.

Mr. Miles asked and obtained leave until next Tuesday.

On motion of Mr. Langdon,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

SATURDAY, March 26, 1859.

Prayer by the Rev. Mr. Davis.

The following bills were severally read a second time, and disposed of as follows:

H. B. No. 504; To prohibit the commissioners of Perry county from levying or collecting any tax to repair or purchase the county buildings at Somerset, Perry county, Ohio.

Referred to the committee of the whole Senate.

H. B. No. 496; To authorize the lessees of ministerial section twenty-nine and school section sixteen, in Homer township, Morgan county, to surrender their leases and receive deeds.

Referred to the standing committee on Schools and School Lands.

H. B. No. 494; To amend section 374 of an act entitled an "an act to establish a code of civil procedure," passed March 11, 1853.

Referred to the standing committee on the Judiciary.

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H. B. No. 495; Authorizing the commissioners of Hamilton and Clermont counties to build a bridge over the Little Miami river, at Symmstown, in Hamilton county.

Referred to a select committee of three—Messrs. Hatch, Kincaid and Thomas.

H. B. No. 491; To provide for the sale of Asbury Seminary, at Chagrin Falls.

Referred to a select committee of one—Mr. Ashmun.

H. B No. 284; To amend section two of the act entitled "an act to relieve the district court, and to give greater efficiency to the judicial system of the State," passed April 12, 1858, and supplementary to said act.

Referred to the standing committee on the Judiciary.

Message from the House of Representatives.

Mr. President:

The House has passed

S B. No. 274; To authorize the commissioners of Hamilton county to contract for the building of a roadway or bridge for public use across Millcreek, in said county.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, and requests the concurrence of the Senate in the same:

H. B. No. 482; To repeal an act for the protection of fish.

H. B. No. 479; To authorize the commissioners of Delaware county to borrow money to supply the deficiency in the treasury of said county.

Attest: JOHN W. KEES, Clerk.

Said bills were severally read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 240; Supplementary to an act to regulate the election, contest of election, and the resignation of justices of the peace, passed March 11, 1853.

Attest: JOHN W. KEES, Clerk.

Mr. Westcott, from the standing committee on Claims, reported the following preamble and resolution:

WHEREAS, On the 18th day of August, 1853, the Board of Public Works, acting in behalf of the State, sold to John H Steinman, the following land, to-wit. Fractional W. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of section 2, township 8 S., range 4 E., in Mercer county, Ohio, containing twenty two acres, for the sum of $137 50, for which a deed was duly executed to said Steiman by the Governor, dated September 15, 1855; and whereas it now appears the State had no title to one-half of the tract so sold, to-wit: the N. W. $\frac{1}{4}$ of the N. E. fractional $\frac{1}{4}$ of said section 2, township 8 S., R. 4 E; and whereas, the amount of purchase money, taxes and interest on said last mentioned tract, so erroneously sold, is $97 75, which ought to be refunded; therefore,

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Resolved, That the standing committee on Finance be, and they are hereby instructed to provide in the general appropriation bill for the payment of said sum of ninety-seven dollars and seventy-five cents, ($97 75) to be paid to said Steinman, on the warrant of the Auditor of State, countersigned by the Comptroller, when he shall have executed to the State, and filed in the office of the Secretary of State a quit-claim deed of the premises so erroneously conveyed to him.

Said resolution was then agreed to.

The preamble of said resolution was then agreed to.

Mr. Westcott, from the same committee, reported back the claim of H. A. Ackley, with the following resolution which was agreed to:

Resolved, That the standing committee on Finance be, and they are hereby instructed to provide, in the general appropriation bill for the payment of the sum of four hundred and twenty-seven dollars and ninety-three cents, ($427 93) to H. A. Ackley, in full of his claim on the State for services, and expenses as commissioner of the two new lunatic asylums, also for services and expenses in 1856, while in attendance as a witness before a select investigating committee of the House of Representatives, and also for balance due James C. Prince, for like services before said committee, and as clerk to the commissioners, duly assigned to said Ackley.

Mr. Langdon, from the standing committee on Corporations other than Municipal, reported back

S. B. No. 250; For the relief of railroad companies in certain cases,

With amendments, which were agreed to.

The question then being on ordering said bill to be engrossed, the same was agreed to.

Said bill was then engrossed at the clerk's desk, and ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Corwine, Gatch, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Taylor, Thomas, Westcott and Winans —25.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Shideler, from the standing committee on Claims, of the Senate and of the House of Representatives, having jointly examined the claim of D. Richmond & Co., and ask leave to report that the facts upon which it is founded are as follows:

On the 8th of September, A. D. 1852, the commissioners of the new lunatic asylums contracted, in pursuance of the act of April 30, 1852, with D. Richmond & Co., for the construction of the southern asylum building at Dayton, upon a certain plan furnished to the contractor, and at the price of $67,300.

The building was erected and finished, and the price contracted for has been paid in full; but in the progress of construction a large amount of extra work was

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done by order of the board of commissioners of the asylum, and at a large additional cost. An examination, under oath, of this extra work, was made by order of the board of commissioners, dated March 16, 1855, by John H. Thomas, W. J. Prince and W. M. Cameron, who were selected as arbitrators to measure and determine the amount and value of said extra work, all of whom were builders and measurers of carpenter work. The board of commissioners having selected, John H. Thomas and W. J. Prince was selected by D. Richmond & Co., and they selected W. M. Cameron.

These arbitrators and measurers reported on the 14th day of November, A. D. 1855, specifying particularly the several items claimed as extra work, and not embraced in the contract, and summing up the aggregate amount due D. Richmond & Co., for said work, at $65,896 63. This report was examined by H. A. Ackley, Daniel B. Woods, P. P. Lowe and C. M. Godfrey, trustees, and the sum of $25,396.63 deducted by them from the amount above stated, as work which they held to be included in the contract of September 8, 1852, and which, by the terms of the contract, D. Richmond & Co. were bound to perform—leaving a balance of $40,500, which they determined to be due to D. Richmond & Co. for work done outside of contract. Subsequently the Legislature, at the session of 1856, passed a resolution requiring the Auditor of State to withhold 25 per cent. of the amount claimed for the construction of the southern asylum, paying over only 75 per cent. of the amount to the contractors. And accordingly, on the 19th of March, 1856, the sum of $30,375 was paid over to D. Richmond & Co. by the State, being three-fourths of the amount allowed by the board of trustees.

The reason of the Legislature for holding back the 25 per cent. referred to above, was in the belief that the work was badly done, and overcharged. Your committee have taken a considerable amount of testimony, oral and written, upon this point, and are perfectly satisfied, both that the work in this case was well done, and that the charges for it are entirely reasonable. The evidence upon this point is, in their judgment, conclusive. We submit herewith so much of the testimony as was in writing.

The claim of D. Richmond & Co. is for the balance not paid of the $40,500 allowed by the trustees, as above stated, amounting to $10,125; and your committee, believing it to be justly due, and ought to have been paid long since, recommend the adoption of the following resolution:

Resolved, That the standing committee on Finance be, and they are hereby instructed to provide, in the general appropriation bill, for the payment of the sum of ten thousand one hundred and twenty-five dollars ($10,125), to D. Richmond & Co., in full of their claim for balance due them for the construction of the southern lunatic asylum, and all the buildings connected therewith, as well as for all extra work connected with the same.

J. N. WESTCOTT,
HENRY SHIDELER,
W. H. SAFFORD,
R. W. TAYLOR,
Senate Committee.

H. THOMPSON,
J. E. CHASE,
E. D. PECK,
J. W. ROBINSON,
House Committee.

The question then being on the adoption of the resolution, the same was agreed to.

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Mr. McKelly, from the standing committee on Railroads, reported back

H. B. No. 401; To secure the better safety of persons traveling on railroads in the State of Ohio,

And recommended that the same be indefinitely postponed.

The same was agreed to.

Mr. Phelps, from the standing committee on the Judiciary, reported back

H. B. No. 494; To amend section 374 of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read the third time on Monday, March 28.

Mr. Phelps, from the same committee, reported back

H. B. No. 375; To prevent and punish fraud in the use of false stamps, brands, labels, and trade marks.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Canfield, Cass, Chapman, Corwine, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Murdock, Phelps, Shideler, Schleich, Smith, Taylor Thomas, Westcott and Winans—21.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Westcott, from the select committee to which was referred

H. B. No. 493; To enable the commissioners of Lucas county to increase the tax levy for the purpose of meeting current expenses, reported back the same, and recommended its passage.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Canfield, Cantwell, Cass, Chapman, Corwine, Gatch, Green, Hatch, Holloway, Kincaid, Langdon, McCleary, McKelley, Morrow, Murdock, Phelps, Shideler, Schleich, Smith, Taylor, Thomas, Westcott and Winans—23.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

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Mr. Morrow, from the select committee, reported back

S. B. No. 290; To amend section three of the act entitled "an act regulating the fees of sheriffs in civil and criminal cases," passed March 13, 1837, with amendments; which were not agreed to.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 12, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Gatch, Green, Henkle, Morrow, Murdock, Phelps, Smith and Winans—12.

Those who voted in the negative were—

Messrs. Canfield, Hatch, Kincaid, McCleary, Perkey, Shideler, Schleich, Taylor and Westcott—9.

So said bill, not having received a constitutional majority, was lost.

Mr. Smith, from the select committee, reported back

H. B. No. 390; Authorizing the school directors of school district number eight, in Madison township, in Butler county, to sell a school lot in the incorporated village of Miltonville, in said county.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 23, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Canfield, Cantwell, Cass, Chapman, Corwine, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Morrow, Murdock, Phelps, Shideler, Schleich, Smith, Taylor, Thomas and Westcott—23.

Mr. Winans voted in the negative.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Smith, from the same committee, reported back

H. B. No. 420; To authorize the city council of the city of Hamilton to appoint commissioners to drain Old River, and for other purposes.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Chapman, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Taylor, Thomas, Westcott and Winans—27.

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So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from the select committee on the subject, reported back

S. B. No. 299; Directing the sale of certain lands in Union county, with amendments; which were agreed to.

The question then being on ordering said bill to be engrossed, the same was agreed to.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read a third time, and the question being

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Corwine, Gatch, Green, Hatch, Henkle, Holloway, McCleary, McKelly, Murdock, Perkey, Perrill, Phelps, Safford, Schleich, Smith, Taylor, Thomas, Westcott and Winans—22.

So said bill, having received a constitutional majority, was passed.

The title of the bill was amended so as to read as follows:

"Directing the sale of certain lands in Union and Summit counties."

The title, as amended, was then agreed to.

The President laid before the Senate the following communication:

COLUMBUS, March 26, 1859.

HON. M. WELKER, *President of the Senate:*

Permit me, through you, to tender to the Senate my resignation as Senator from the 15th Senatorial District of Ohio, composed of the counties of Muskingum and Perry.

Respectfully yours,

E. VANATTA.

Mr. Shideler moved to lay said communication on the table, which was not agreed to.

The question then being on accepting the resignation of the Senator from Perry,

The yeas and nays were demanded and being ordered, resulted—yeas 9, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Green, Hatch, Holloway, Kincaid, McCleary, Westcott and Winans—9.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Gatch, Henkle, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Taylor and Thomas—19.

So said resignation was not accepted.

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Mr. Henkle moved to reconsider the vote by which the Senate refused to accept said resignation, and moved that said vote to reconsider be laid on the table, which was agreed to.

Mr. Cantwell, from the select committee, reported back

S. B. No. 259; To protect the legislative and judicial departments of the State from the corrupting influences of corporations.

Mr. McKelly moved to amend said bill by striking out the second section.

Pending which,

On motion of Mr. McCleary,

The Senate took a recess.

THREE O'CLOCK P. M.

The President directed a call of the Senate, when 21 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

The question then being on striking out the second section of

S. B. No. 259; To protect the legislative and judicial departments of the State from the corrupting influences of corporations,

The same was then agreed to.

Mr. Green moved to amend by striking out all of section one after the word "impeachment," in the seventh line, which was agreed to.

Mr. Winans moved to further amend as follows:

Insert after the words "rail road," in the 5th line of the 1st section, the words "or who shall accept and use a ticket of invitation to any party given by a rail road or bank director, or stockholder, or by any officer of any rail road company or bank."

On which motion the yeas and nays were demanded, and being ordered—resulted—yeas 2, nays 24, as follows:

Those who voted in the affirmative were—

Messrs. Canfield and Murdock—2.

Those who voted in the negative were—

Messrs. Ashmun, Cantwell, Cass, Chapman, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Morrow, Perkey, Perrill, Phelps, Shideler, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—24.

So said motion to amend did not prevail.

The question then being on ordering said bill to be engrossed, the same was agreed to.

Said bill was then engrossed at the clerk's desk and ordered to be read the third time now.

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Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 11, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Green, Hatch, Kincaid, Langdon, McCleary, McKelly, Phelps, Shideler and Vanatta—11.

Those who voted in the negative were—

Messrs. Ashmun, Canfield, Cass, Corwine, Gatch, Henkle, Holloway, Morrow, Murdock, Schleich, Smith, Taylor, Thomas, Westcott and Winans—15.

So said bill, not having received a constitutional majority, was not passed.

Mr. Green moved to take from the table the resolution reported by the standing committee on Claims, relative to the claim of Governor Samuel Medary, which was agreed to.

The question then being on the adoption of the resolution, the same was agreed to.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills and joint resolutions, and the same are now ready for the signature of the President of the Senate:

H. B. No. 425; To amend an act entitled an act to provide for the recording of land patents, passed March 14, 1836.

H. B. No. 406; For the further organization and discipline of the militia and volunteer militia.

H. B. No. 473; To authorize the commissioners of Henry county to issue bonds to facilitate the completion of the Maumee river bridge, at Napoleon.

S. B. No. 276; An act for the relief of Samuel Ketchum, treasurer of Coshocton county.

H. B. No. 21; To repeal an act entitled an act further defining the duties of county treasurers, passed April 8, 1856, and the act amendatory thereto, passed April 10, 1857.

S. B. No. 226; Supplementary to the act entitled "an act defining the duties of justices of the peace and constables in criminal cases," passed March 27, 1837.

H. B. No. 434; To punish trespasses on public and other lands.

H. B. No. 432; To authorize the incorporated village of Delaware to borrow money.

H. B. No. 415; To authorize county commissioners to surrender turnpike roads in certain cases.

S. B. No. 249; To amend an act entitled "an act to establish alterations in State and county roads," passed March 25, 1854.

S. B. No. 286; To amend the act passed March 17, 1856, supplementary to an act passed March 2, 1853, to provide for draining and reclaiming certain swamp and overflowed lands.

S. B. No. 241; To extend the time of payment for school section sixteen, Ludlow township, Washington county.

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S. B. No. 267; To authorize the incorporated village of New Richmond, in Clermont county, to borrow money to erect a town hall in said village.

H. B. No. 159; To provide for the regulation and support of the common schools in the city of Cleveland.

H. B. No. 446; To authorize the Board of Education of the incorporated village of Malta to borrow money for school house purposes.

H. B. No. 377; To amend and supplementary to an act entitled "an act to provide for the establishment and government of reform schools," passed April 2, 1858.

H. B. No. 362; To authorize the commissioners of Coshocton county to borrow money to supply the deficiency in the treasury of said county.

H. J. R. No. 93; Relative to the claim of Samuel Gordon.

S. J. R. No. 84; Relative to instructing the Attorney General to assist in defending the suit of Elias Plumb vs. the treasurer of Fairfield county, et al.

H. B. No. 411; Relating to the partition of real estate held in common by religious societies.

H. B. No. 418; To organize and regulate na independent militia.

H. B. No. 423; To amend the act entitled "an act prohibiting any citizen of the State from holding, by appointment, more than one of several offices therein named, at the same time."

Attest: JOHN W. KERR, Clerk.

The President of the Senate then, in the presence of the Senate, signed the foregoing bills and joint resolutions, as required by the constitution.

Mr. Langdon moved to take from the table the motion to reconsider the vote by which

H. B. No. 418; To organize and regulate an independent militia,

Was passed; which was agreed to.

The question then being on the reconsideration of the vote by which said bill was passed,

The yeas and nays were demanded, and being ordered, resulted—yeas 12, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Hatch, Langdon, Murdock, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta and Westcott—12.

Those who voted in the negative were—

Messrs. Ashmun, Canfield, Cass, Corwine, Gatch, Green, Henkle, Holloway, Kincaid, McCleary, McKelly, Morrow, Phelps and Winans—14.

So said motion to reconsider did not prevail.

Mr. Winans asked and obtained leave of absence until Thursday of next week.

On motion of Mr. Winans,

The Senate resolved itself into a committee of the whole on the special order of the day for this day, being

S. B. No. 293; Making appropriations for the year 1859,

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Mr. McKelly in the chair, and after some time spent therein, rose and reported progress therein, and asked and obtained leave to sit again.

On motion of Mr. Green,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

MONDAY, MARCH 28, 1859.

Prayer by the Rev. Mr. Stanley.

Mr. Cantwell presented the memorial of Charles Fellows and others, relative to the security of passengers on railroads, and,

On motion, the same was laid on the table.

H. B. No. 482; To repeal the act for the protection of fish,

Was read the second time, and referred to the standing committee on Agriculture.

H. B. No. 479; To authorize the commissioners of Delaware county to borrow money to supply the deficiency in the treasury of said county,

Was read a second time, and referred to a select committee of one—Mr. Green.

H. B. No. 494; To amend section 374 of an act entitled an act to establish a code of civil procedure, passed March 11, 1853,

Was read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 18, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Corwine, Gatch, Green, Hatch, Holloway, Kincaid, McCleary, Morrow, Murdock, Perrill, Phelps, Safford, Shideler, Thomas and Westcott—18.

Those who voted in the negative were—

Messrs. Chapman and Taylor—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 246; To make the incorporated village of Jamestown a separate road district.

S. B. No. 197; To provide for the renewal and to regulate the final payment of the funded debt of the State,

With amendments, in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

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On motion, said bill was referred to a select committee of one—Mr. Hatch.

Message from the House of Representatives.

Mr. President:

The House has passed

H. J. R. No. 96; Relative to printing report of the Commissioner of Statistics, in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

The question then being on the adoption of the said resolution, the yeas and nays were ordered, and resulted—yeas 18, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Chapman, Corwine, Gatch, Green, Kincaid, McCleary, Morrow, Perrill, Phelps, Safford, Shideler, Taylor, Thomas and Westcott—18.

Mr. Murdock voted in the negative.

So said resolution was agreed to.

Message from the House of Representatives.

Mr. President:

The House refuses to agree to Senate amendments to

H. B. No. 358; To authorize county commissioners to alter or change the boundaries of election precincts.

Attest: JOHN W. KERR, Clerk.

On motion, said bill and pending amendments were referred to the standing committee on Municipal Corporations.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills, which are now ready for the signature of the President of the Senate:

H. B. No. 437; An act to authorize county agricultural societies to sell fair grounds, in certain cases.

H. B. No. 471; An act requiring township clerks to give bonds.

H. B. No. 460; An act to prevent the running at large of swine.

H. B. No. 287; An act to protect gas companies.

H. B. No. 453; An act to amend an act to regulate the sale of school lands, and the surrender of permanent leases thereto, passed April 16, 1852.

Attest: JOHN W. KERR, Clerk.

The President then signed the foregoing bills, as required by the constitution, in the presence of the Senate.

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Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. B. No. 375; To prevent and punish fraud in the use of false stamps, brands, labels, or trade marks.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House agrees to Senate amendments to

H. B. No. 424; To amend section thirty-two of an act entitled "an act regulating the fees of county auditors," passed March 19, 1838, and took effect May 1, 1838.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. B. No. 331; To amend an act concerning the relation of guardian and ward, passed April 12, 1858, with an amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

The question then being on agreeing to said amendment,

The yeas and nays were ordered, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Chapman, Corwine, Gatch, Green, Hatch, Holloway, Kincaid, McCleary, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Taylor, Thomas, and Westcott—23.

So said amendment prevailed.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 85; Relative to printing report of the Treasury Investigating Commission in advance of other printing,

With amendments, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. Safford,

Said resolution, with the pending amendments, was referred to the standing committee on Public Printing.

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Mr. Shideler, on leave, presented the remonstrance of E. Parrott and 8 others, against the restoration of the canal contracts; also of J. R. Young and 36 others; also of J. M. Dewey and others, on the same subject.

Severally laid on the table.

Mr. Perkey, from the standing committee on Roads and Highways, reported back

H. B. No. 469; To provide for the election of supervisors of roads, being an act supplementary to an act amendatory of an act for the incorporation of townships, passed March 14, 1853.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

On motion, said bill was recommitted to the standing committee on Roads and Highways.

Mr. Hatch, from the standing committee on Finance, reported back

S. B. No. 300; To provide for the enlargement of the Ohio Penitentiary,

With the pending amendment, and recommended that the same be disagreed to; which was lost.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 22, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cass, Corwine, Gatch, Green, Hatch, Holloway, Kincaid, Langdon, McCleary, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Taylor, Thomas and Westcott—22.

Those who voted in the negative were—

Messrs Cantwell and Chapman—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Langdon, from a select committee, reported back

H. B. No 484; To amend section six of an act to amend the act entitled "an act to provide for the organization of cities and incorporated villages," passed March 11, 1853,

With one amendment, which was agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

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The yeas and nays were ordered, and resulted—yeas 22, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Corwine, Gatch, Green, Holloway, Kincaid, Langdon, McCleary, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Tayler and Thomas—22.

Those who voted in the negative were—

Messrs. Chapman, Hatch and Westcott—3.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Ashmun, from a select committee, reported back

H. B. No. 491; To provide for the sale of Asbury Seminary, at Chagrin Falls, in Cuyahoga county, Ohio.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Chapman, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, McCleary, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Shideler, Schleich, Taylor and Westcott—21.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Hatch, from a select committee, reported back

H. B. No. 495; Authorizing the commissioners of Hamilton and Clermont counties to build a bridge across Little Miami River, near Symmestown, in Hamilton county,

With one amendment, which was agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Chapman, Corwine, Green, Hatch, Henkle, Holloway, Kincaid, McCleary, McKelly, Morrow, Murdock, Perrill, Phelps, Schleich, Taylor, Thomas and Westcott—20.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

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Mr. Hatch offered for adoption the following joint resolution:

WHEREAS, There is in the State Treasury, according to the report of the Treasurer to the Governor, of November 15, 1858, thirteen hundred ninety-two dollars ($1,392) of counterfeit and broken bank paper, which is stated to have been accumulating in the treasury for years; therefore, be it

Resolved by the General Assembly of the State of Ohio, That the Auditor of State, the Comptroller of the Treasury, and Treasurer of State, be, and they hereby are required to have made out, a schedule of all such counterfeit and broken bank paper, cause the same counterfeit notes to be burned to ashes, and the broken bank notes to be sold; bring the proceeds of such sale into the treasury; file such schedule with a record of their proceedings, in their several offices, and enter the balance to the credit of the general revenue, on the warrant of the Auditor drawn specifying the same, and report their proceedings to the Governor in their next annual report.

On which resolution, the yeas and nays were ordered, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Chapman, Corwine, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Morrow, Murdock, Perrill, Phelps, Safford, Schleich, Taylor, Thomas and Westcott—24.

So said resolution was agreed to.

Mr. Hatch offered for adoption the following resolution, which was agreed to:

Resolved, That the Treasurer of State inform the Senate at as early a period as possible,

1st. What instructions, if any, were given by him to any or all the county treasurers as to what kind of funds should be received for taxes.

2d. What were the proportions of specie and other funds respectively paid into the State treasury by each county treasurer, or the amount of each at the time of their semi-annual settlements.

And report to the Senate at this time all of the foregoing information now in his power, and as soon as practicable after the August settlements, make out a full report hereof, and publish the same in the Ohio Statesman and the Ohio State Journal, and also include the same in his next annual report to the Governor.

On motion of Mr. Langdon,

The committee of the whole was discharged from the consideration of

H. B. No. 475; Providing for making a general index for the clerk's office of the court of common pleas of Gallia county,

And the same was referred to a select committee of one—Mr. Murdock.

Mr. Ashmun, from the joint select committee of conference, reported back

H. B. No. 455; Relating to jurors, with a substitute for the Senate amendments to said bill,

On which amendment the yeas and nays were demanded, and being ordered, resulted—yeas 24, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Chapman, Corwine, Gatch, Green, Hatch,

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Henkle, Holloway, Kincaid, McCleary, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Taylor, Thomas and Westcott—24.

Mr. Langdon voted in the negative.

So said amendment prevailed.

On motion of Mr. Holloway,

H. B. No. 402; To extend to the county of Meigs the provisions of an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson, passed April 12, 1858,

With the pending amendments, was taken from the table, and referred, with the pending amendments, to a select committee of one—Mr. Holloway.

Mr. Henkle, from a select committee, reported back

H. B. No. 98; Supplementary to an act entitled "an act to encourage the organization of fire companies," passed April 3, 1857,

And recommended that the same be indefinitely postponed, which was agreed to.

Mr. Phelps offered for adoption the following resolution, which was agreed to:

Resolved, That during the residue of this session the Senate will meet, after recess, at 2 o'clock, P. M.

Also, the following resolution, which was agreed to:

Resolved, That the clerk of the senate be authorized to employ such additional clerks as in his judgment may be necessary to bring up the business of the Senate, to be paid as other clerks.

Mr. Safford, from the standing committee on Municipal Corporations, reported back

H. B. No. 460; To amend section 69 of an act passed May 3, 1852, entitled "an act to provide for the organization of cities and incorporated villages."

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Chapman, Corwine, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Taylor, Thomas and Westcott —25.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Safford, from the standing committee on Public Printing, reported back

S. J. R. No. 85; Relative to printing report of the Treasury Investigating Commission in advance of other printing, with amendments to the pending House amendments; which were agreed to.

Said House amendment, as amended, was then agreed to.

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Mr. Murdock, from a select committee, reported back

H. B. No. 475; Providing for making a general index for the clerk's office of the court of common pleas of Gallia county.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Asbmun, Canfield, Cantwell, Cass, Chapman, Corwine, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Taylor, Thomas and Westcott—26.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Perrill, on leave, introduced a bill:

S. B. No. 310; Supplementary to an act entitled "an act providing for the appointment and more thorough system of accountability of officers of the Ohio Penitentiary, fixing their compensation, and prescribing their duties, and determining the manner of working convicts," passed April 12, 1858; which was read the first time.

The President of the Senate laid before the Senate a communication from the Governor, enclosing resolutions of the respective Legislatures of Vermont, New Hampshire, and Massachusetts, relative to the Dred Scott decision, and slavery in general; which were referred to the standing committee on Federal Relations.

Mr. Schleich, on leave, from the standing committee on Public Works, reported back

S. B. No. 293; Making appropriations for the superintendence and repairs of the Public Works for the year 1859, and the first quarter of the year 1860; which was committed to the committee of the whole Senate, and made the special order of the day for this day.

After the consideration of the appropriation bill,

On motion of Mr. Hatch,

The Senate resolved itself into committee of the whole on the special order, being

S. B. No. 293; Making appropriations for the year 1859, Mr. McKelly in the chair, and after some time spent therein, rose and reported progress, and asked and obtained leave to sit again.

On motion,

The Senate took a recess.

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TWO O'CLOCK P. M.

The President directed a call of the Senate, which was had, when nineteen Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

On motion of Mr. Hatch,

The Senate resolved itself into the committee of the whole on the special order of the day, being

S. B. No. 293; Making appropriations for the year 1859, Mr. Phelps in the chair, and after some time spent therein, rose and reported the same back with sundry amendments.

Mr. Langdon moved sundry amendments to said bill.

On motion, said bill, with the pending amendments, was referred to the standing committee on Finance.

The President laid before the Senate a communication from the Treasurer in answer to certain inquiries connected with the office.

On motion, said communication was laid on the table, and ordered to be printed.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills, which are now ready for the signature of the President of the Senate:

H. B. No. 493; An act to authorize the commissioners of Lucas county to increase the tax levy for the purpose of meeting the current expenses.

S. B. No. 274; An act to authorize the commissioners of Hamilton county to contract for the building of a roadway or bridge for public use across Mill Creek in said county.

H. B. No. 431; An act to authorize the commissioners of Henry county to borrow money to pay the county debt.

H. B. No. 484; An act to amend section six of an act to amend the act entitled "an act to provide for the organization of cities and incorporated villages," passed March 11, 1853.

S. B. No. 246; An act to make the incorporated village of Jamestown a separate road district.

Attest: JOHN W. KEES, Clerk.

The President then signed the foregoing bills, as required by the constitution, in the presence of the Senate.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 498; To authorize the trustees or directors of Aurora Lodge No. 48,

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Mt. Vernon Chapter No. 23, Solomon Council No. 5, and Calvary Encampment No. 13, in the city of Portsmouth, and State of Ohio, to borrow money.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 503; To extend the privileges of gas companies.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill:

H. B. No. 492; To amend sections 8, 9 and 10 of an act entitled "an act to relieve the district courts, and to give greater efficiency to the judicial system of the State," passed April 12, 1858.

In which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 258; Supplementary to an act entitled "an act to establish a code of civil procedure," passed March 11, 1853,

And has agreed to the report of the joint committee of conference on

H. B. No. 455; Relating to jurors.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to House amendment to

S. J. R. No. 85; Relative to printing report of the Treasury Investigating Commission in advance of other printing.

Attest: JOHN W. KEES, Clerk.

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Message from the House of Representatives.

Mr. President:

The House has passed

H. J. R. No. 95; Relative to adjustment of claims against the State,

In which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

On motion, said resolution was referred to the standing committee on Public Works.

Mr. Westcott, on leave, introduced a bill:

S. B. No. 311; For the relief of George Rinehart,

Which was read the first time.

On motion of Mr. Hatch,

S. B. No. 294; Making appropriations in part for the first quarter of the year 1860, was made the special order, in committee of the whole, for this day.

Mr. Taylor moved to take from the table

S. J. R. No. 86; Relative to the dealings of the State with the Ohio Life Insurance and Trust Company; which was agreed to, and said resolution was referred to the standing committee on Finance.

On motion of Mr. Hatch,

The Senate resolved itself into a committee of the whole, on the special order of the day, being

S. B. No. 294; Making appropriation in part for the first quarter of the year 1860, Mr. Green in the chair, and after some time spent therein, rose and reported the same back with sundry amendments; and,

On motion, said bill, with the pending amendments, was referred to the standing committee on Finance.

On motion of Mr. Hatch,

The Senate resolved itself into a committee of the whole on the special order of the day, being

S. B. No. 293; Making appropriations for the superintendence and repairs of the Public Works for the year 1859, and the first quarter of the year 1860. Mr. Westcott in the chair, and after some time spent therein, rose and reported the same back with sundry amendments.

Said bill, with pending amendments, was referred to the standing committee on Finance.

Mr. Taylor, from the standing committee on Finance, reported back

S. J. R. No. 86; To authorize a settlement with the Ohio Life Insurance and Trust Company, with amendments; which were agreed to.

The question being on agreeing to said resolution,

The yeas and nays were demanded, and being ordered, resulted—yeas 18, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cantwell, Gard, Gatch, Green, Hatch, Henkle, Langdon,

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McCleary, Miles, Perkey, Perrill, Phelps, Safford, Smith, Taylor, Thomas and Vanatta—18.

So said resolution was agreed to.

Mr. Cantwell moved that the vote by which

H. B. No. 401; To secure the better safety of persons traveling on railroads in the State of Ohio, was indefinitely postponed, be reconsidered, and that said motion to reconsider, be laid on the table; which was agreed to.

On motion of Mr. Henkle,

The committee of the whole was discharged from the further consideration of

S. B. No. 247; To repeal sections 58, 59, 60, 61, and 62 of "an act to provide for the organization, supervision and maintenance of common schools," passed March 11, 1853.

Said bill was referred to a select committee of one—Mr. Henkle.

On motion of Mr. Green,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

TUESDAY, March 29, 1859.

Prayer by the Rev. Mr. Stanley.

Mr. Taylor, on leave, offered for adoption the following resolution:

Resolved, That Mr. Buckland be added to the standing committee on the Public Works, in the place of Mr. Cadwell, who has obtained leave of absence for the residue of the session.

On which resolution the yeas and nays were demanded, and being ordered, resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Perrill, Phelps, Safford, Shideler, Taylor, Thomas and Westcott—20.

So said resolution was agreed to.

Mr. Miles moved that the vote by which the Senate refused to pass

S. B. No. 290; To amend section three of an act entitled "an act regulating the fees of sheriffs in civil and criminal cases," passed March 13, 1837, be reconsidered, and that that motion to reconsider be laid on the table; which was agreed to.

Mr. Kincaid offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That whenever, during the year eighteen hundred and fifty-nine, it shall become necessary, by reason of change of districts made by law, to remove patients from one lunatic asylum of the State to another, the trustees of the asylums from which and to which such pa-

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tients are to be removed, are hereby authorized and empowered to make such removal and transfer; and the cost thereof shall be borne equally by said asylums, unless otherwise mutually agreed by the trustees, and shall be paid out of the fund appropriated for current expenses for such asylums.

On which resolution, the yeas and nays were ordered, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perrill, Phelps, Safford, Shideler, Smith, Taylor, Thomas and Westcott—22.

So said resolution was agreed to.

H. B. No. 505; To extend the privileges of gas companies,

Was read a second time, and,

On motion of Mr. Phelps,

The constitutional rule was suspended, and said bill was ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, Morrow, Murdock, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Taylor, Thomas and Westcott—23.

Mr. Miles voted in the negative.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

The following bills were severally read a second time, and disposed of as follows:

H. B. No. 492; To amend sections 8, 9 and 10 of an act entitled an act to relieve the district courts, and to give greater efficiency to the judicial system of the State, passed April 12, 1858.

Referred to a select committee of one—Mr. Schleich.

H. B. No. 498; To authorize the trustees and directors of Aurora Lodge No. 48, Mt. Vernon Chapter No. 23, Solomon Council No. 5, and Calvary Encampment No. 13, in the city of Portsmouth, and State of Ohio, to borrow money.

Referred to the standing committee on Corporations other than Municipal.

S. B. No. 307; Supplemental to an act to enable the trustees of colleges, academies, universities and other institutions for the purpose of promoting education, to become bodies corporate, and the acts amendatory thereof and supplementary thereto.

Referred to the standing committee on Corporations other than Municipal.

S. B. No. 308; To amend an act to regulate the manner in which grand and

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petit jurors shall be drawn and summoned in Hamilton county, passed May 1, 1852.

Referred to the standing committee on the Judiciary.

S. B. No. 309; To amend an act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

Referred to the standing committee on Railroads.

S. B. No. 301; For the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money.

Referred to the select committee on the revision of the tax law.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 87; Relative to broken bank and counterfeit money in the Treasury,

With an amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

On motion, said resolution was referred to the standing committee on Finance.

Message from the House of Representatives.

Mr. President:

The House has passed

H. J. R. No. 97; Relative to the redemption of the outstanding notes of the Canal Bank of Cleveland, and the Seneca County Bank,

In which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

On motion, said resolution was referred to the standing committee on Finance.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills:

S. B. No. 287; To amend section 91 of an act entitled "an act of the jurisdiction and proceedings before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853,

S. B. No. 264; To amend an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852; also,

S. B. No. 261; To limit the operation of the act entitled "an act to repeal the 10 per cent. law, passed March 14, 1850," passed February 25, 1859,

With amendments, in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

On motion, said S. B. No. 261 was referred to the select committee on that subject—Messrs. Miles, Schleich and Winans.

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Message from the House of Representatives.

Mr. President:

The House has indefinitely postponed

S. B. No. 153; Conferring certain powers on and prescribing certain duties of the Board of Public Works.

Attest: JOHN W. KERR, Clerk.

Message from the House of Representatives.

Mr. President:

The House requests the return of

S. J. R. No. 85; Relative to printing report of the Treasury Investigating Commission in advance of other printing.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Langdon,

The Senate acceded to the request of the House, and said resolution was returned.

Mr. Phelps, from the standing committee on Finance, reported back

S. B. No. 302; Prescribing the duties of county auditors,

With sundry amendments, which were agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cantwell, Chapman, Corwine, Gard, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Shideler, Schleich, Smith, Taylor, Thomas and Westcott—24.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps from the Judiciary committee, reported back

H. B. No. 284; To amend section 2 of the act entitled "an act to relieve the district courts, and to give greater efficiency to the judicial system of the State," passed April 12, 1858, and supplementary to said act,

With sundry amendments, which were agreed to.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

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The yeas and nays were ordered, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Holloway, Kincaid, Langdon, McCleary, Miles, Murdock, Perkey, Perrill, Phelps, Shideler, Schleich, Smith, Taylor, Thomas and Westcott—23.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from the same committee, reported back

S. B. No. 304; To amend the act entitled an act to provide for the partition of real estate,

With amendments, which were agreed to.

The question then being on ordering said bill to be engrossed, the same was agreed to.

Said bill was then engrossed at the clerk's desk and ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Shideler, Schleich, Smith, Taylor, Thomas and Westcott—24.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Buckland, from the standing committee on Corporations other than Municipal, reported back

S. B. No. 230; To authorize the Ripley and Hillsboro turnpike company, to erect a toll gate and to collect tolls at the same, within the corporate limits of the incorporated village of Ripley, in the county of Brown, and the several petitions and remonstrances upon the sames ubject, and recommended that the bill be indefinitely postponed, which was agreed to.

Mr. Shideler, from the standing committee on Agriculture, reported back

H. B. No. 482; To repeal the act for the protection of fish.

Mr. Langdon moved that said bill be indefinitely postponed.

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 12, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Gard, Gatch, Green, Hatch, Holloway, Langdon, McCleary, Miles, Shideler, Taylor and Thomas—12.

Those who voted in the negative were—

Messrs. Cantwell, Chapman, Corwine, Kincaid, Morrow, Murdock, Perkey, Perrill, Phelps, Schleich, Smith and Westcott—12.

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There being a tie vote, the President voted in the affirmative, and said bill was indefinitely postponed.

Mr. Schleich, from the standing committee on Public Works, reported back

H. B. No. 143; Providing for the sale of certain public works of the State of Ohio.

Mr. Schleich moved that said bill be indefinitely postponed.

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 14, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Chapman, Corwine, Gard, Green, Hatch, Langdon, Murdock, Perrill, Phelps, Shideler, Schleich, Smith, Thomas and Westcott—14.

Those who voted in the negative were—

Messrs. Buckland, Cantwell, Gatch, Holloway, Kincaid, McCleary, Miles, Morrow, Perkey and Taylor—10.

So said motion prevailed.

Mr. Schleich, from the same committee, reported back

H. J. R. No. 83; Relative to repairing crib of the dam at McConnellsville, in Morgan county, Ohio.

The question then being on the adoption of the above resolution, the same was agreed to.

Mr. Shideler, from the standing committee on Agriculture, reported back the petitions and remonstrances concerning the fish law, and asked to be discharged from the further consideration of the same, which was agreed to.

Mr. Schleich, from the standing committee on Public Works, reported back

S. J. R. No. 55; Relative to covering ditches and culverts of Maumee and Western Reserve Roads,

With one amendment, which was agreed to.

The question then being on the adoption of the resolution,

The yeas and nays were demanded, and being ordered, resulted—yeas 16, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Chapman, Corwine, Gard, Gatch, Green, Hatch, Langdon, Miles, Perrill, Phelps, Shideler, Schleich, Taylor, Thomas and Westcott—16.

Those who voted in the negative were—

Messrs. Cantwell, Holloway, McCleary, Morrow and Perkey—5.

So said resolution was agreed to.

On motion of Mr. Miles,

The Senate took a recess.

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TWO O'CLOCK P. M.

The President directed a call of the Senate, which was had, when 20 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

On motion of Mr. Holloway,

S. B. No. 306; To authorize the commissioners of Belmont county to loan certain money,

Was referred to a select committee of one—Mr. Holloway.

Mr. Green, from a select committee, reported back

H. B. No. 479; To authorize the commissioners of Delaware county to borrow money to supply the deficiency in the treasury of said county.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Kincaid, McCleary, Miles, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Thomas and Westcott—22.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Morrow, from a select committee, reported back

H. B. No. 364; To authorize the town council of the town of Calais, in Monroe county, to levy a tax for the purpose of improving the streets in said town, and for other purposes.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

Mr. Smith, moved to strike out the second section, and make section three section two, which was agreed to.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 22, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cantwell, Chapman, Corwine, Gard, Green, Hatch, Hol-

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loway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Smith and Westcott—22.

Mr. Gatch voted in the negative.

So said bill, having received a constitutional majority, was passed.

The title was then amended by striking out the words "and for other purposes."

The title, as amended, was then agreed to.

Mr. Holloway, from a select committee, reported back

H. B. No. 402; Supplementary to an act entitled an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson, passed April 12, 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry and Licking,

With amendments to the House amendments, which were agreed to.

The question then being on agreeing to the House amendments as amended,

The yeas and nays were demanded, and being ordered, resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Corwine, Gard, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Thomas and Westcott—24.

So said amendments were agreed to.

Mr. Corwine, from a select committee, reported back

H. B. No. 326; Defining the jurisdiction of probate courts in criminal cases, in the counties of Pike, Portage, Jackson, Clermont, &c., with amendments; which were agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cantwell, Chapman, Corwine, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler Schleich, Taylor, Thomas and Westcott—24.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Reid, from a select committee, reported back

S. B. No. 265; Supplementary to the act to provide for the organization of cities and incorporated villiages, passed May 3, 1852, with an amendment, striking out all after the enacting clause, and inserting a new bill; which was agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

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Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 22, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cantwell, Corwine, Gard, Gatch, Green, Hatch, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Smith, Taylor, Thomas, and Westcott—22.

Those who voted in the negative were—

Messrs. Chapman and Shideler—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Reid, from a select committee, reported back

H. B. No. 474; To amend the 11th section of "an act relating to roads and highways," passed February 9, 1831, with several amendments; which were agreed to.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cantwell, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Thomas and Westcott—24.

So said bill, having received a constitutional majority, was passed.

The title of the bill was amended so as to read as follows:

"Supplementary to the act relating to juries, passed February 9, 1831, and to amend the 10th section of said act."

Said title, as amended, was then agreed to.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills, which are now ready for the signature of the President of the Senate:

H. B. No. 390; An act authorizing the school directors of school district number eight in Madison township, in Butler county, to sell a school lot in the incorporated village of Miltonville, in said county.

H. B. No. 489; An act to amend the fourth section of an act entitled "an act to authorize the making of real estate indexes, and further to prescribe the duties of county commissioners and recorders in certain counties," passed February 14, 1859.

S. B. No. 234; Providing for the vacating of roads dedicated by private persons to public use.

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H. B. No. 420; An act to authorize the city council of the city of Hamilton to appoint commissioners to drain Old river, and for other purposes.

H. B. No. 375; An act to prevent and punish fraud in the use of false stamps, brands, labels, or trade marks.

S. B. No. 240; An act supplementary to an act to regulate the election, contest of election, and the resignation of justices of the peace, passed March 11, 1853.

S. B. No. 227; To authorize the adoption of children.

H. B. No. 146; To provide for the removal of the seat of justice of Perry county, Ohio, from the town of New Lexington, to the town of Somerset, in said county.

H. B. No. 491; An act to provide for the sale of Asbury Seminary, at Chagrin Falls.

H. B. No. 494; To amend section 374 of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

Attest: JOHN W. KEES, Clerk.

The President then signed the foregoing bills in the presence of the Senate, as required by the constitution.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No, 281; To provide for the semi-annual collection of taxes.

With an amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. Taylor,

Said bill was referred to the standing committee on Finance.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills and joint resolution, which are now ready for the signature of the President of the Senate:

H. B. No. 360; To amend section 69 of an act passed May 3, 1852, entitled an act to provide for the organization of cities and incorporated villages.

H. B. No. 361; An act supplementary to an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

H. B. No. 475; An act providing for making a general index for the clerk's office of the court of common pleas of Gallia county.

H. B. No. 495; An act authorizing the commissioners of Hamilton and Clermont counties to build a bridge over the Little Miami river at Symmestown, in Hamilton county.

H. J. R. No. 96; Relating to printing the report of the Commissioner of Statistics.

Attest: JOHN W. KEES, Clerk.

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The President then signed the foregoing bills and resolution, as required by the constitution, in the presence of the Senate.

Mr. Buckland, from a select committee, reported back

S. B. No. 280; Concerning the Board of Public Works and other officers of the State, with an amendment to the amendment.

On which amendment the yeas and nays were demanded, and being ordered, resulted—yeas 11, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Gard, Gatch, Green, Henkle, Holloway, Miles, Morrow, Reid, Smith and Taylor—11.

Those who voted in the negative were—

Messrs. Cantwell, Chapman, Corwine, Hatch, Kincaid, Langdon, Murdock, Perrill, Phelps, Shideler, Schleich and Westcott—12.

So said amendment was not agreed to.

The question then being on agreeing to the pending amendment,

The yeas and nays were demanded and being ordered, resulted—yeas 14, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Gard, Gatch, Green, Hatch, Henkle, Holloway, McCleary, Miles, Morrow, Reid, Safford, Smith and Taylor—14.

Those who voted in the negative were—

Messrs. Cantwell, Chapman, Corwine, Kincaid, Langdon, Murdock, Perkey, Perrill, Phelps, Shideler, Schleich, Thomas and Westcott—13.

So said amendment was agreed to.

On motion of Mr. Taylor,

Said bill was referred to a select committee of three—Messrs. Taylor, Schleich and Buckland.

Mr. Taylor, from the standing committee on Finance, reported back

S. B. No. 281; To provide for the semi-annual collection of taxes, with the pending House amendment,

The question then being on agreeing to said amendment,

The yeas and nays were ordered, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, Miles, Morrow, Murdock, Perkey, Perrill,

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Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Thomas and Westcott —26.

So said amendment was agreed to.

Mr. Henkle offered for adoption the following resolution:

Resolved, That Messrs. Gard and Smith be added to the committee on Enrollment.

On which resolution the yeas and nays were demanded, and being ordered, resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cantwell, Chapman, Corwine, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Taylor, Thomas and Westcott—25.

So said resolution was agreed to.

Mr. Schleich offered for adoption the following resolutions, which were agreed to:

Resolved, That the Governor be requested to inform the Senate, at his earliest convenience, whether he has had in his possession, since the month of April, 1858, official knowledge that a fraud to the amount of ten thousand six hundred dollars existed in the stocks reported in the State Treasury, for the pretended security of the circulating notes of the Sandusky City Bank; and why, if such information has been in his possession, he has withheld a knowledge of the fraud from the Legislature and from the public.

Resolved, That the Governor of Ohio be required to communicate to this body, without further delay, a copy of the report made to him by W. O. Collins, Esq., Special Examiner of the Treasury, and which report has been heretofore suppressed.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 480; For the support and better regulation of common schools in school district No. two, in Hamilton township, Warren county, Ohio.

Attest: JOHN W. KEES, Clerk.

Said bill was then read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 378; To protect literary societies.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

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Message from the House of Representatives.

Mr. President:

The House has passed the following bill, with one amendment, in which the concurrence of the Senate is requested:

S. B. No. 295; To authorize the commissioners of Pike county to borrow money for bridge purposes.

Attest: JOHN W. KERR, Clerk.

On motion, said bill was referred to a select committee of one—Mr. Corwine.

Mr. Reid presented the memorial of B. R. Denfer, in relation to the treasury defalcation of the State.

Referred to a select committee of one—Mr. Reid.

Mr. Taylor, from a select committee, reported back

S. B. No. 280; Concerning the Board of Public Works and other officers of State.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cantwell, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Taylor, Thomas and Westcott—23.

Those who voted in the negative were—

Messrs. Chapman, Corwine and Schleich—3.

So said, bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Corwine, from a select committee, reported back

S. B. No. 295; To authorize the commissioners of Pike county to borrow money for bridge purposes, with the pending House amendment.

The question then being on agreeing to said House amendment,

The yeas and nays were ordered, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Thomas and Westcott—26.

So the amendment was agreed to.

Mr. Safford offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That there be printed in German for the use of the members of the General Assembly, to be apportioned and distributed in like manner with those printed in English, heretofore ordered, one thousand copies of the report of the Treasury Investigation Committee, with the evidence, in addition to those heretofore ordered, and that the evidence be also

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attached to one thousand of the two thousand copies heretofore ordered, so that there shall be printed in German, in all, one thousand copies without, and two thousand copies with the evidence.

On which resolution, the yeas and nays were ordered, and resulted—yeas 20, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Chapman, Corwine, Gard, Gatch, Green, Hatch, Kincaid, Langdon, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Smith, Taylor, Thomas and Westcott—20.

Those who voted in the negative were—

Messrs. Holloway, McCleary and Miles—3.

So said resolution was agreed to.

On motion of Mr. Westcott,

S. B. No. 223; Requiring judges of the courts of common pleas to reduce their charges and instructions to the jury in certain cases to writing,

Was taken from the table, and referred to a select committee of one—Mr. Westcott.

Mr. Safford moved to take from the table the motion to reconsider the vote by which the Senate refused to concur in the report of the joint committee of conference on the subject of disagreement between the two Houses on

S. B. No. 109; To amend section two of an act passed March 11, 1853, to provide for the publication of the general laws in newspapers, and to repeal an act entitled an act to provide for an early publication of the laws, and for other purposes, passed March 23, 1850,

And the same was agreed to.

The question then being on the reconsideration of said vote, the same was agreed to.

The question then being on agreeing to amendments reported by the said committee of conference,

The yeas and nays were ordered, and resulted—yeas 22, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cantwell, Chapman, Corwine, Gard, Green, Hatch, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Thomas and Westcott—22.

Mr. Gatch voted in the negative.

So said amendments were agreed to.

On motion of Mr. Langdon,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

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WEDNESDAY, MARCH 30, 1859.

The following bills were severally read a second time, and disposed of as follows:

S. B. No. 310; Supplementary to an act entitled an act providing for the appointment and more thorough system of accountability of officers of the Ohio Penitentiary, fixing their compensation, prescribing their duties, and determining the manner of working convicts, passed April 12, 1858.

Referred to the standing committee on the Penitentiary.

S. B. No. 311; For the relief of George Rinehart.

Referred to a select committee of one—Mr. Reid.

H. B. No. 378; To protect literary societies.

Referred to a select committee of two—Messrs. Chapman and Green.

H. B. No. 480; For the support and better regulation of common schools in school district No. 2, in Hamilton township, Warren county, Ohio.

Referred to a select committee of one—Mr. Smith.

Message from the House of Representatives.

Mr. President:

The House concurs in Senate amendments to

H. B. No. 364; To authorize the town council of the town of Calais, in the county of Monroe, to levy a tax for the purpose of improving the streets in said town, and for other purposes;

And to Senate amendments to House amendments to

H. B. No. 402; Supplementary to an act entitled an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson, passed April 12, 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry and Licking.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 85; Relative to printing report of Investigating committee in Dutch.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following resolution of the Senate:

S. J. R. No. 89; Relative to removing patients from lunatic asylums.

Attest: John W. KEES, Clerk.

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Message from the House of Representatives.

Mr. President:

The House has passed

H. B. No. 225; To prescribe the duties of judges of elections in certain cases, and preserve the purity of elections, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. B. No. 326; Defining the jurisdiction of probate courts in criminal cases, in the counties of Pike, Portage, Jackson, Clermont, Carroll, Gallia, Butler, Lucas, Hocking, Defiance, and Columbiana, with additional amendments, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

The question then being on agreeing to said House amendment,

On motion of Mr. Canfield,

Said bill, with pending House amendment, was referred to a select committee of one—Mr. Canfield.

Mr. Schleich asked leave to move that the vote by which the Senate passed resolutions calling upon the Governor for certain information relative to the Canal Bank of Cleveland, be reconsidered; which was refused.

Mr. Perkey, from the standing committee on Roads and Highways, reported back

H. B. No. 469; To provide for the election of supervisors of roads, being an act supplementary to and amendatory of an act for the incorporation of townships, passed March 14, 1853.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 8, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, McCleary, Miles, Murdock, Perkey, Shideler, Smith and Thomas—8.

Those who voted in the negative were—

Messrs. Canfield, Cantwell, Chapman, Corwine, Gard, Gatch, Hatch, Holloway, Morrow, Perrill, Phelps, Safford, Schleich, Taylor and Westcott—15.

So said bill, not having received a constitutional majority, was lost.

Mr. Holloway, from a select committee, reported back

S. B. No. 306; To authorize the commissioners of Belmont county to loan certain money, with amendments; which were agreed to.

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The question then being on ordering said bill to be engrossed, the same was agreed to.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Canfield, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Holloway, Kincaid, McCleary, Miles, Morrow, Murdock, Perkey, Reid, Safford, Shideler, Schleich, Smith, Taylor and Westcott—23.

Those who voted in the negative were—

Messrs. Langdon, Phelps and Thomas—3.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Hatch, from a select committee, reported back

S. B. No. 197; To provide for the renewal and to regulate the final payment of the funded debt of the State,

With the pending House amendment.

The question then being on agreeing to said House amendment,

The yeas and nays were ordered, and resulted—yeas 17, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Corwine, Hatch, Kincaid, Langdon, Morrow, Murdock, Perkey, Perrill, Reid, Safford, Shideler, Schleich, Smith, Thomas and Westcott—17.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Gard, Gatch, Green, McCleary, Miles and Taylor—9.

So said amendment was lost.

Mr. Westcott moved that the vote by which the Senate refused to agree to said amendment be reconsidered, and that that motion to reconsider be laid on the table; which was agreed to.

Mr. Schleich, from a select committee, reported back

H. B. No. 492; To amend sections 8, 9 and 10 of an act entitled "an act to relieve the district courts, and to give greater efficiency to the judicial system of the State," passed April 12, 1858,

With sundry amendments, which were agreed to.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

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Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Gard, Gatch, Green, Hatch, Holloway, Langdon, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Schleich, Smith, Taylor, Thomas and Westcott—21.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Taylor, from the standing committee on Finance, reported back

S. B. No. 293; Making appropriations for the year 1859,

With an amendment to the pending amendments of the committee of the whole.

The question then being on agreeing to the following amendment adopted by the committee of the whole Senate—Strike out the words "To pay William Kennon, W. B. Caldwell and Asa S. Medbury their expenses while at, and traveling to and from the seat of government, as commissioners of appointment, under the act of April 12, 1858, $200,"

The yeas and nays were demanded, and being ordered, resulted—yeas 9, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Chapman, Gard, Gatch, Miles, Schleich and Taylor—9.

Those who voted in the negative were—

Messrs. Corwine, Hatch, Holloway, Kincaid, Langdon, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Smith, Thomas and Westcott—15.

So the Senate refused to strike out the words above mentioned.

Mr. Taylor moved to amend the bill by adding these words after the 24th line: "For the payment of the salary of the clerk to the commissioner of common schools, $800."

Mr. Langdon moved to amend the amendment by striking out "$800," and inserting "$500."

On which amendment, the yeas and nays were demanded, and being ordered, resulted—yeas 12, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Chapman, Corwine, Hatch, Kincaid, Langdon, Murdock, Perkey, Perrill, Shideler, Schleich, Smith and Thomas—12.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Gard, Gatch, Green, Holloway, Miles, Morrow, Phelps, Reid, Safford, Taylor and Westcott—14.

So said amendment to the amendment was not agreed to.

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The question then being on the amendment,

The yeas and nays were demanded, and being ordered, resulted—yeas 18, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Gard, Gatch, Green, Hatch, Holloway, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Taylor and Westcott—18.

Those who voted in the negative were—

Messrs. Chapman, Corwine, Kincaid, Langdon, Perkey, Schleich, Smith and Thomas—8.

So said amendment was agreed to.

Mr. Taylor offered the following amendment to the bill:

"For the furnishing school libraries and apparatus agreeably to the laws on the subject, a sum not exceeding the amount of the tax collected for that purpose."

On which amendment, the yeas and nays were demanded, and being ordered, resulted—yeas 21, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Gard, Gatch, Green, Hatch, Holloway, Langdon, Miles, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Smith, Taylor, Thomas and Westcott—21.

Those who voted in the negative were—

Messrs. Chapman, Corwine, Perrill, Shideler and Schleich—5.

So said amendments were agreed to.

On motion of Mr. Taylor,

The Senate took a recess.

TWO O'CLOCK P. M.

On motion of Mr. Westcott,

A call of the Senate was had, when 26 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

The question then being on agreeing to the amendments adopted by the committee of the whole,

Mr. Taylor moved to strike out the lines 125 to 128 inclusive, being the appropriation to John W. Kees for certain printing, amounting to $1,149.50; which was lost.

The question then being on agreeing to the amendment adopted by the committee of the whole, as amended by the Finance committee, relative to the appropriation for the State House,

The yeas and nays were demanded, and being ordered, resulted—yeas 23, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Chapman, Corwine, Gard, Green, Hatch,

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Henkle, Holloway, Kincaid, Miles, Morrow, Murdock, Perkey, Phelps, Reid Safford, Shideler, Schleich, Taylor, Thomas and Westcott—23.

Those who voted in the negative were—

Messrs. Gatch, Langdon, McCleary, Phelps and Smith—6.

So said amendments were agreed to.

The question then being on agreeing to the amendments adopted by the committee of the whole Senate, relative to the salary of the clerks in the Auditor of State's office,

The yeas and nays were demanded, and being ordered, resulted—yeas 16, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Corwine, Hatch, Langdon, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith and Westcott—16.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Gard, Gatch, Green, Henkle, Holloway, Kincaid, McCleary, Miles and Taylor—12.

So said amendments were agreed to.

Said amendments, as adopted by the committee of the whole, were then agreed to.

Mr. Gard moved to strike out all that portion of the bill which makes an appropriation for the Idiotic Asylum.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 10, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Corwine, Gard, McCleary, Murdock, Perkey, Reid, Shideler and Smith—10.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Gatch Green, Hatch, Henkle, Holloway, Kincaid, Langdon, Miles, Morrow, Perrill, Phelps, Safford, Schleich, Taylor, Thomas and Westcott—19.

So said motion did not prevail.

Mr. Gatch moved to amend as follows:

Add a proviso to the appropriation for the contingent fund of the Treasurer of State, at the end of line 18, of section 1, as follows:

"Provided that no part of the same shall be expended in converting currency into specie, to enable the Treasurer to comply with the provisions of the 13th section of the act entitled "an act to establish the Independent Treasury of the State of Ohio," passed April 12, 1858.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 11, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Gard, Gatch, Green, Henkle, Holloway, McCleary, Miles and Taylor—11.

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Those who voted in the negative were—

Messrs. Cantwell, Chapman, Corwine, Hatch, Kincaid, Langdon, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas and Wescott—18.

So said motion did not prevail.

Mr. Langdon moved to amend by adding $1,300, for the payment of Samuel Ferren, for labor performed on the Cincinnati, Columbus and Wooster Turnpike; which was agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read the third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 24, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Chapman, Corwine, Gard, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Smith, Thomas and Westcott—24.

Those who voted in the negative were—

Messrs. Buckland, Gatch, Holloway, Safford and Taylor—5.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Westcott moved to take from the table the motion to reconsider the vote by which the Senate refused to agree to the House amendments to

S. B. No. 197; To provide for the renewal and to regulate the final payment of the funded debt of the State; which was agreed to.

The question then being on the reconsideration of the vote, the same was agreed to.

The question then being on agreeing to said House amendments,

The yeas and nays were ordered, and resulted—yeas 22, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Chapman, Corwine, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Smith, Thomas and Westcott—22.

Those who voted in the negative were—

Messrs. Canfield, Gard, Gatch, McCleary and Taylor—5.

So said amendments were agreed to.

Mr. Hatch, from a select committee, reported back

S. B. No. 294; Making appropriations for the first quarter of the year 1860, with the amendments adopted by the committee of the whole Senate; which was agreed to.

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The question then being on ordering said bill to be engrossed, the same was agreed to.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Taylor, Thomas and Westcott—27.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

The President laid before the Senate a communication from the Governor, in answer to certain resolutions adopted by the Senate.

Mr. Taylor moved that said communication be laid on the table and ordered to be printed.

Mr. Langdon demanded a division of the question.

The question then being on the motion to lay said communication on the table,

The yeas and nays were ordered, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Thomas and Westcott—29.

So said motion prevailed.

The question then being on printing said communication,

The yeas and nays were demanded, and being ordered, resulted—yeas 23, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, McCleary, Miles, Morrow, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Smith, Taylor, and Westcott—23.

Those who voted in the negative were—

Messrs. Chapman, Corwine, Langdon, Murdock and Schleich—5.

So said motion prevailed.

Mr. Perrill, from the standing committee on the Penitentiary, reported back

S. B. No. 310; Supplementary to an act entitled "an act providing for the appointment and more thorough system of accountability of officers of the Ohio Penitentiary, fixing their compensation, prescribing their duties, and determining the manner of working convicts.

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The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and (the constitutional rule being suspended for that purpose) ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 18, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Gard, Gatch, Green, Henkle, Holloway, McCleary Miles, Morrow, Perrill, Phelps, Reid, Safford, Taylor and Thomas—18.

Those who voted in the negative were—

Messrs. Chapman, Hatch, Kincaid, Langdon, Murdock, Shideler, Schleich, Smith and Westcott—9.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Reid, from a select committee, reported back the memorial of B. R. Durfee, relative to the late report of the Investigating Commission, and said memorial was referred to the joint select committee on that subject.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 486; To change a portion of the line between the counties of Clermont and Warren.

H. B. No. 500; To repeal an act passed April 3, 1857, entitled "an act supplementary to the act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

Attest: JOHN W. KEES, Clerk.

Said bills were severally read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 266; To amend the act entitled "an act to incorporate the Franklin and Warren Railroad Company, with an amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

The question then being on agreeing to said House amendment,

The yeas and nays were ordered, and resulted—yeas 21, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Miles, Murdock, Perrill, Phelps, Safford, Shideler, Schleich, Smith and Thomas—21.

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Those who voted in the negative were—

Messrs. Canfield, Langdon, McCleary, Reid, Taylor and Westcott—6.

So said amendments were agreed to.

Message from the House of Representatives.

Mr. President:

The House has reconsidered the vote by which it agreed to Senate amendments to

H. B. No. 402; Supplementary to an act entitled "an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson, passed April 12, 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry and Licking,

And has agreed to said Senate amendments, with an additional amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

The question then being on agreeing to said House amendment,

The yeas and nays were ordered and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Taylor, Thomas and Westcott—27.

So said amendment was agreed to.

Message from the House of Representatives.

Mr. President:

The House has agreed to the report of the joint committee of conference, on

S. B. No. 109; To amend section two of an act passed March 11, 1853, to provide for the publication of the general laws in newspapers, and to repeal an act entitled an act to provide for an early publication of the laws, and for other purposes, passed March 23, 1850.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has refused to agree to Senate amendments to

H. B. No. 492; To amend sections 8, 9 and 10 of an act entitled an act to relieve the district courts, and to give greater efficiency to the judicial system of the State, passed April 12, 1858.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. Schleich,

The Senate insisted upon its amendment to said bill.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled

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bills, which are now ready for the signature of the President of the Senate:

H. B. No. 331; An act supplementary to, and to amend an act concerning the relation of guardian and ward, passed April 12, 1858.

H. B. No. 424; An act to amend section thirty-one of an act entitled an act regulating the fees of county auditors, passed March 19, 1838, and took effect May 1, 1838.

H. B. No. 455; An act relating to jurors.

S. B. No 258; Supplementary to an act entitled an act to establish a code of civil procedure, passed March 11, 1853.

S. B. No. 264; To amend an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

S. B. No. 287; To amend section 91 of an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853.

H. B. No. 479; To authorize the commissioners of Delaware county to borrow money to supply the deficiency in the treasury of said county.

H. B. No. 503; To extend the privileges of gas companies.

Attest: JOHN W. KERR, Clerk.

The President then signed, in the presence of the Senate, the foregoing bills, as required by the constitution.

Mr. Schleich, from the standing committee on Finance, reported back

S. B. No. 293; Making appropriations for the repair of the public works for the year 1859, and the first quarter of the year 1860,

With the pending amendment adopted by the committee of the whole, which was disagreed to.

The question then being on agreeing to the other amendment reported by the standing committee on Finance, the same was agreed to.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk, and ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Kincaid, Langdon, Miles, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Taylor, Thomas and Westcott—23.

Those who voted in the negative were—

Messrs. Holloway, McCleary, Morrow and Smith—4.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Westcott, from the standing committee on Claims, reported back the memo-

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rial of Bartlit & Smith relative to claims held by them against the State, and asked to be discharged from the further consideration of the same, which was agreed to.

Also, from the same committee, S. J. R. No. 36; Relative to the claim of John W. Allen, and asked to be discharged from the further consideration of the same, which was agreed to.

Mr. Westcott, from a select committtee, reported back

S. B. No. 223; Requiring judges of the courts of common pleas to reduce their charges and instructions to the jury in certain cases, to writing.

The question then being on ordering said bill to be engrossed, the same was disagreed to.

Mr. Phelps, from the select committee on the subject, reported back

S. B. No. 279; To amend section two of the act entittled "an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," passed April 13, 1852.

The question then being on ordering said bill to be engrossed,

The yeas and nays were demanded, and being ordered, resulted—yeas 23, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Smith, Taylor, Thomas and Westcott—23.

Those who voted in the negative were—

Messrs. Cantwell, Phelps, Reid, Safford, Shideler and Schleich—6.

So said motion prevailed.

On motion, said bill was referred to the select committee on the revision of the tax law.

Mr. Cantwell offered for adoption the following resolution:

Resolved, That the Senate standing committee on Public Works be, and are hereby requested to report back to the Senate, this afternoon, H. J. R. No. 95; Relative to the adjustment of claims against the State.

Mr. Langdon moved to lay said resolution on the table, which was agreed to.

Mr. Henkle, from a select committee, reported back

S. B. No. 247; To repeal sections 58, 59, 60, 61 and 62 of an act to provide for the organization, supervision and maintenance of common schools, passed March 11, 1853,

With an amendment, striking out all after the enacting clause, and inserting a new bill.

On agreeing to which amendment,

The yeas and nays were demanded, and being ordered, resulted—yeas 17, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Canfield, Cantwell, Chapman, Corwine, Hatch, Henkle, Holloway, Langdon, Miles, Murdock, Perkey, Perrill, Reid, Shideler, Schleich, Smith and Thomas—17.

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Those who voted in the negative were—

Messrs. Ashmun, Buckland, Gard, Gatch, Green, Kincaid, McCleary, Morrow, Phelps, Safford, Taylor and Westcott—12.

So said amendment was agreed to.

The question then being on ordering said bill to be engrossed, the same was agreed to.

Said bill was then engrossed, and ordered to be read a third time to-morrow.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 510; To repeal an act therein named.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

On motion of Mr. Langdon,

Senate resolution relative to schools and school lands, was taken from the table.

The question then being on agreeing to said resolution,

Mr. Henkle moved to strike out the first instructions.

On which the yeas and nays were demanded, and being ordered, resulted—yeas 16, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Gard, Green, McCleary, Miles, Morrow, Perrill, Phelps, Schleich, Smith, Taylor, Thomas and Westcott—16.

Those who voted in the negative were—

Messrs. Chapman, Corwine, Gatch, Hatch, Henkle, Langdon, Murdock, Perkey, Reid, Safford and Shideler—11.

So said amendment prevailed.

Mr. Henkle moved to strike out the second and third instructions.

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 20, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Corwine, Gard, Gatch, Green, Hatch, Henkle, McCleary, Miles, Morrow, Perrill, Phelps, Reid, Schleich, Smith, Taylor, Thomas and Westcott—20.

Those who voted in the negative were—

Messrs. Cantwell, Chapman, Kincaid, Langdon, Murdock, Perkey, Safford and Shideler—8.

So said instructions were stricken out.

Mr. Henkle moved to strike out the fifth instruction.

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On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 16, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Corwine, Gard, Gatch, Green, McCleary, Miles, Morrow, Perkey, Perrill, Phelps, Schleich, Taylor and Westcott—16.

Those who voted in the negative were—

Messrs. Cantwell, Chapman, Hatch, Henkle, Holloway, Kincaid, Langdon, Murdock, Reid, Safford, Shideler and Smith—12.

So said amendment prevailed.

Mr. Henkle moved to strike out the sixth instruction.

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 19, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Corwine, Gard, Gatch, Green, Kincaid, McCleary, Miles, Morrow, Murdock, Perkey, Phelps, Reid, Schleich, Taylor and Westcott—19.

Those who voted in the negative were—

Messrs. Chapman, Hatch, Henkle, Holloway, Langdon, Perrill, Safford, Shideler, Smith and Thomas—10.

So said amendment prevailed.

Mr. Taylor moved to lay said resolution on the table.

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 17, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Corwine, Gard, Green, Kincaid, McCleary, Morrow, Perkey, Perrill, Phelps, Safford, Schleich, Taylor and Westcott—17.

Those who voted in the negative were—

Messrs. Chapman, Gatch, Hatch, Henkle, Holloway, Langdon, Miles, Murdock, Reid, Smith and Thomas—11.

So said motion prevailed.

Mr. Schleich, from a select committee, reported back

H. J. R. No. 93; Relative to the claim of Peter Snider.

On motion, said resolution was laid on the table.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 55; Relative to covering ditches and culverts of Maumee and Western Reserve Roads.

Attest: JOHN W. KEES, Clerk.

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The President laid before the Senate a communication from the Board of Public Works, relative to the Public Works of the State; which,

On motion, was laid on the table and ordered to be printed in advance of all other printing.

Mr. Smith offered for adoption the following resolution:

Resolved, by the General Assembly of the State of Ohio, That the carpets now on the floor of the Senate Chamber and Hall of the House, after the adjournment of the present session, shall be distributed to the several State Asylums in the city of Columbus, under the direction of the Secretary of State.

On which resolution the yeas and nays were ordered, and resulted—yeas 15, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Green, Henkle, Holloway, McCleary, Morrow, Murdock, Perkey, Perrill, Phelps, Schleich, Smith, Taylor and Westcott—15.

Those who voted in the negative were—

Messrs. Buckland, Cantwell, Chapman, Gard, Gatch, Hatch, Langdon, Miles, Reid, Safford, Shideler and Thomas—12.

So said resolution was agreed to.

Mr. Holloway asked and obtained leave of absence until next Saturday.

On motion of Mr. McCleary,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

THURSDAY, March 31, 1859.

Prayer by the Rev. Mr. Stanley.

The following bills were severally read a second time, and disposed of as follows:

H. B. No. 510; To repeal an act therein named.

Referred to the standing committee on State Buildings.

H. B. No. 486; To change a portion of the line between the counties of Clermont and Warren.

Referred to a select committee of two—Messrs. Kincaid and Smith.

H. B. No. 500; To repeal an act passed April 3, 1857, entitled "an act supplementary to the act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

Referred to the standing committee on Municipal Corporations.

H. B. No. 225; To prescribe the duties of judges of elections in certain cases, and preserve the purity of elections.

Referred to the standing committee on Privileges and Elections.

S. B. No. 247; To repeal sections 58, 59, 60, 61, and 62 of "an act to provide

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for the organization, supervision and maintenance of common schools," passed March 11, 1853, was read a third time, and the question being,

"Shall the bill pass?"

Mr. Langdon demanded a call of the Senate; which was had, when 26 Senators answered to their names.

The Sergeant-at-arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 17, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Canfield, Cantwell, Cass, Chapman, Corwine, Hatch, Henkle, Langdon, Miles, Murdock, Perkey, Perrill, Reid, Shideler, Schleich, Smith and Thomas—17.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Gard, Gatch, Green, Kincaid, McKelly, Morrow, Phelps, Safford, Taylor, Vanatta and Westcott—13.

So said bill, not having received a constitutional majority, was lost.

Mr. Langdon moved that the vote by which the Senate refused to pass said bill, be reconsidered; which was agreed to.

Mr. Langdon moved to refer said bill to a select committee of one.

Mr. Morrow moved to refer the same to the standing committee on Schools and School Lands; which motion having precedence,

The yeas and nays were demanded, and being ordered, resulted—yeas 15, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Gard, Gatch, Green, Kincaid, McCleary, Morrow, Phelps, Reid, Safford, Taylor, Vanatta and Westcott—15.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Henkle, Langdon, McKelly, Miles, Murdock, Perkey, Perrill, Shideler, Schleich, Smith and Thomas—16.

So said motion did not prevail.

The question then being, on refering to a select committee,

The yeas and nays were demanded, and being ordered, resulted—yeas 17, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Henkle, Langdon, McKelly, Miles, Murdock, Perkey, Perrill, Reid, Shideler, Schleich, Smith and Thomas—17.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Gard, Gatch, Green, Kincaid, McCleary, Morrow, Phelps, Safford, Taylor, Vanatta and Westcott—13.

So said motion prevailed.

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On motion of Mr. Schleich,

A message was sent to the House, requesting the return of

S. B. No. 293; Making appropriation for the repairs of the Public Works of the State for the year 1859, and the first quarter of the year 1860.

Message from the House of Representatives.

Mr. President:

The House agrees to Senate amendments to

H. B. No. 474; To amend the 10th section of an act relating to juries, passed February 9, 1831,

With an additional amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KNES, Clerk.

On which amendment the yeas and nays were ordered, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Chapman, Corwine, Gatch, Green, Hatch, Kincaid, Langdon, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Vanatta and Westcott—24.

So said amendment was agreed to.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills, which are now ready for the signature of the President of the Senate:

S. B. No. 266; To amend the act entitled "an act to incorporate the Franklin and Warren railroad company.

S. B. No. 295; To authorize the commissioners of Pike county to borrow money for bridge purposes.

H. B. No. 402; An act supplementary to an act entitled "an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson," passed April 12, 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry, Licking, Belmont, Stark, Ottowa and Williams.

Attest: JOHN W. KNES, Clerk.

The President of the Senate, then, in the presence of the Senate, signed the foregoing bills, as required by the constitution.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 288; Making appropriations for the payment of the interest on the State debt, the payment of a portion of the principal thereof, and the payment of the expenses of the board of commissioners of the sinking fund,

With amendments, in which the concurrence of the Senate is requested.

Attest: JOHN W. KNES, Clerk.

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On motion, said bill was referred to the standing committee on Finance.

Message from the House of Representatives.

Mr. President:

The House has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 512; To amend section 4 of an act passed March 26, 1859, entitled an act to provide for the regulation and support of the common schools in the city of Cleveland.

H. B. No. 485; To authorize the commissioners of Warren county, Ohio, to purchase a certain toll bridge therein named.

H. B. No. 442; To establish a uniform standard of weights and measures.

H. B. No. 509; To amend section 7 of an act to regulate the election of State and county officers, passed May 3, 1852. (Swan's Statutes, 341.)

Attest: JOHN W. KEES, Clerk.

Said bills were severally read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 298; Relating to the Lewistown Reservoir.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 299; Directing the sale of certain lands in Union and Summit counties.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. B. No. 284; Supplementary to an act entitled "an act to relieve the district courts, and to give greater efficiency to the judicial system of the State," passed April 12, 1858.

Attest: JOHN W. KEES, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 306; To authorize the commissioners of Belmont county to loan money.

Attest: JOHN W. KEES, Clerk.

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Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 121; To amend an act to provide against the evils resulting from the sale of intoxicating liquors in the State of Ohio, passed May 1, 1854,

With an amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

The question being on agreeing to said House amendment,

The yeas and nays were ordered, and resulted—yeas 22, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Chapman, Corwine, Gard, Hatch, Kincaid, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—22.

Those who voted in the negative were—

Messrs. Buckland, Canfield, Gatch, Langdon, McCleary, Miles and Taylor—7.

So said amendments were agreed to.

Mr. Langdon, from the standing committee on Corporations other than Municipal, reported back

H. B. No. 456; To authorize associations of persons for carrying freight on any of the navigable waters of the State of Ohio, and the lakes and navigable rivers bordering thereon,

With amendments, which were agreed to.

Mr. Langdon moved to add to section seven the following words:

"And each director shall be individually liable for all the debts of the company contracted during the term of his office, and no transfer or surrender of stock, or resignation, or other termination of directorship, shall be held to relieve from such liability."

On which amendment the yeas and nays were demanded, and being ordered, resulted—yeas 8, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Hatch, Langdon, Morrow, Murdock, Perrill, Safford, Shideler and Schleich—8.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Gard, Gatch, Green, Henkle, McCleary, McKelly, Miles, Perkey, Phelps, Reid, Taylor, Thomas, Vanatta and Westcott—18.

So said amendment was not agreed to.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read the third time now.

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Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta and Westcott—28.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Reid, from the standing committee on Municipal Corporations, reported back

H. B. No. 498; To authorize the trustees of Aurora Lodge No. 48, Mt. Vernon Chapter No. 23, Solomon Council No. 5, Calvary Encampment No. 13, in the city of Portsmouth, and State of Ohio, to borrow money.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 27, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Smith, Taylor and Thomas—27.

Those who voted in the negative were—

Messrs. Cass and Westcott—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. McKelly, from the standing committee on Railroads, reported back

S. B. No. 309; To amend the act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

The question then being on ordering said bill to be engrossed, the same was decided in the affirmative.

Said bill was then engrossed at the clerk's desk and ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 18, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Green,

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Henkle, Kincaid, McKelly, Murdock, Perkey, Phelps, Safford, Smith, Vanatta and Westcott—18.

Those who voted in the negative were—

Messrs. Ashmun, Gatch, Hatch, Langdon, McCleary, Miles, Morrow, Perrill, Reid, Shideler, Schleich and Taylor—12.

So said bill, having received a constitutional majority, was passed.

Mr. McKelly moved to amend the title by adding after the word "amend," the words "section 11 and 24 of," which was agreed to.

The title, as amended, was then agreed to.

Mr. Phelps, from the select committee on the revision of the tax law, reported back

S. B. No. 301; For the assessment and taxation of all property in this State and for levying taxes thereon according to its true value in money, with amendments, which were agreed to.

Mr. Taylor moved to strike out section ten, which was agreed to.

The question then being on ordering said bill to be engrossed, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 25, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Chapman, Corwine, Gatch, Green, Hatch, Kincaid, Langdon, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta and Westcott—25.

Those who voted in the negative were—

Messrs. McCleary and Reid.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Safford, from a select committee, reported the following joint resolution:

Resolved by the General Assembly of the State of Ohio, That the attorney general be, and he is hereby authorized and directed to receive for and on the part of the State of Ohio, the conveyances, in fee simple, of certain lands in the State of Illinois or elsewhere, from John G. Breslin, late treasurer of State, or his securities or from any other person in his or their behalf, or from any person or persons connected with the late treasury defalcation. Such deed or deeds to be executed to the State of Ohio, and the lands so conveyed to become the property of the State.

And be it further hereby resolved, That the said attorney general be, and he is, hereby empowered and directed, whenever in his opinion it shall be best for the interest of the State, to cause said land to be sold for cash, at public auction, to the highest bidder, after he shall have first given six weeks notice of the time and place of sale in at least two newspapers published in Cincinnati, Columbus, Cleveland, and such towns in the State of Illinois as may be nearest said land if two newspapers be published therein, if not, then in one, and upon such sale the said attorney general is hereby required to pay said money or moneys arising therefrom into the sinking fund of the State of Ohio, and upon the payment of the purchase of money for said land, the Governor of Ohio is hereby empowered and directed

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to make, execute and deliver to the purchaser or purchasers thereof full and complete conveyances for the same.

Resolved, That upon the conveyances to the State by a valid title of any lands under the provisions of the joint resolution, the late treasurers by whom or upon whose behalf the same may be made shall be credited with such sum or sums of money as may be stipulated by the attorney general and the said treasurers, to be the price or value at which said lands shall be received by the State.

On which resolution the yeas and nays were ordered, and resulted—yeas 25, nays none as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfied, Cantwell, Cass, Chapman, Gard, Green, Hatch, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Vanatta and Westcott—25.

So said resolution was agreed to.

Mr. Safford offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That the attorney general be, and he is, hereby instructed to proceed to the collection and conversion into money by suit or otherwise of the assets now in his hands, received from the treasury investigating commission, and by it received of John G. Breslin, late treasurer of State, after he shall have first obtained the consent of the sureties of said Breslin that no such proceedings shall impair, or in any manner effect the claim of the State of Ohio against said sureties—such assets when realized in cash to be paid into the sinking fund and credited to said John G. Breslin.

And be it further resolved, That the attorney general be and he is hereby instructed and directed to commence suits against Albert A. Bliss, late treasurer of State and his securities, to recover the balance due from him as such treasurer. Also, H. B. Bowman, late treasurer of Hamilton county, to recover so much as may be due from him to the State, and to prosecute suits under existing laws against all persons who are found to have made contracts or other engagements for the illegal or improper use of the public moneys with any of the defaulting State treasurers, and particularly the Ohio Savings Institute in the city of Tiffin, Clinton Bank of Columbus, City Bank of Columbus, and all other banks where interest has been paid or agreed to be paid by them to the said treasurers. Also, W. W. Cones, Daniel Beckel, Sanderson Robert, E. M. Gregory, Charles S. Johnson, John G. Camp, S. Waggoner, Osias Bowen, William Sturgess, Benjamin E. Smith, John F. Bartlitt, and Bartlitt & Smith, E. S. Hamlin and Thomas Moodie.

And be it further resolved, That the said attorney general shall have power to negotiate, compromise and settle with John G. Breslin and his securities, and with all other persons, corporations or banks of, and concerning all claims of whatsoever description connected with or growing out of the treasury defalcation, and that he be and is hereby authorized to receive the bonds of the Sandusky, Mansfield and Newark railroad company from the said John G. Breslin at their par value for the amount of said bonds, and that he credit the account of the said Breslin with the same.

Resolved, That for his services under these resolutions the attorney general receive three per cent. upon all moneys collected by him and upon the price and value of all property taken by him in compromise or discharge of any of the claims herein specified.

Pending which,

On motion of Mr. Canfield,

The Senate took a recess.

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TWO O'CLOCK P. M.

The President directed a call of the Senate, which was had, when 16 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

The question then being on the adoption of the resolution relative to the Investigating Commission,

On motion of Mr. Phelps,

Said resolution was referred to the standing committee on Finance.

Mr. Perkey, from a select committee, reported back

S. B. No. 175; Concerning bridges,

With one amendment, which was agreed to.

The question then being,

"Shall the bill pass?"

On motion, said bill was referred to a select committee of one—Mr. Phelps.

Mr. Green, from a select committee, reported back

S. B. No. 116; To provide for the removal of justices of the peace and county officers for misconduct in office,

With amendments, which were agreed to.

The question then being on ordering said bill to be engrossed, the same was agreed to.

Said bill was then engrossed at the clerk's desk and ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Chapman, Gard, Gatch, Green, Hatch, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta and Westcott—26.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Canfield, from a select committee, reported back

H. B. No. 326; Defining the jurisdiction of probate courts in criminal cases, in the counties of Pike, Portage, Jackson, Clermont, Carroll, Gallia, Butler, Lucas, Hocking, Defiance and Columbiana,

With the pending House amendment, which was disagreed to, and a committee of conference requested on the part of the Senate, which was agreed to.

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Mr. Miles, from a select committee, reported back

S. B. No. 261; To limit the operation of the act entitled "an act to repeal the ten per cent. law, passed March 14, 1850," passed February 25, 1859,

With the pending House amendment.

On which amendment, the yeas and nays were ordered, and resulted—yeas 20, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Corwine, Gard, Green, Hatch, Henkle, Kincaid, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Shideler, Schleich, Smith and Thomas—20.

Those who voted in the negative were—

Messrs. Canfield, Gatch, Langdon, McKelly, Reid, Taylor, Vanatta and Westcott—8.

So said amendment was agreed to.

Mr. Smith, from a select committee, reported back

H. B. No. 480; For the support and better regulation of common schools in district No. 2, Hamilton township, Butler county, Ohio.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 26, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta and Westcott—26.

Mr. Langdon voted in the negative.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Chapman, from a select committee, reported back

H. B. No. 378; For the protection of literary societies.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 25, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch,

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Green, Hatch, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta and Westcott—25.

Mr. Langdon voted in the negative.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House accedes to the request of the Senate, and herewith returns

S. B. No. 293; Making appropriations for the superintendence and repairs of the public works for the year 1859, and the first quarter of the year 1860.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Schleich,

The vote by which the Senate passed the above bill, was reconsidered.

The question then being,

"Shall the bill pass?"

Mr. Schleich moved to amend by adding, "as an appropriation for crib at Malta Mills, in Morgan county, Ohio," which was agreed to.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Langdon, Miles, Murdock, Perkey, Perrill, Phelps, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta and Westcott—23.

Those who voted in the negative were—

Messrs. McCleary, Reid and Safford—3.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Miles moved to take from the table the motion to reconsider the vote by which the Senate refused to pass

S. B. No. 290; To amend section three of the act entitled "an act regulating the fees of sheriffs in civil and criminal cases," passed March 13, 1837,

Which was agreed to.

The question then being on the reconsideration of the vote by which said bill was lost, the same was agreed to.

Mr. Miles moved to amend as follows:

Add, after the word "county," in the 10th line, the following: "For services rendered by such sheriff in the court of common pleas, and by the probate judge for services rendered by the sheriff in the probate court: Provided, that the clerk

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of the court or probate judge shall not be required to issue such certificate until after the final order of the court in the premises, or until the cost bills shall have been made up on the execution docket.

Mr. Langdon moved to indefinitely postpone said bill; which was not agreed to.

The question then being on agreeing to said amendment,

The yeas and nays were demanded, and being ordered, resulted—yeas 10, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cantwell, Cass, Chapman, Gatch, Miles, Reid, Shideler, Smith and Winans—10.

Those who voted in the negative were—

Messrs. Ashmun, Canfield, Corwine, Gard, Langdon, McCleary, Morrow, Murdock, Phelps, Safford, Taylor, Thomas, Vanatta and Westcott—14.

So said amendment did not prevail.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 10, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cantwell, Cass, Chapman, Gatch, Miles, Morrow, Reid, Smith and Winans—10.

Those who voted in the negative were—

Messrs. Ashmun, Canfield, Corwine, Gard, Hatch, Langdon, McCleary, Murdock, Perrill, Phelps, Safford, Shideler, Taylor, Thomas, Vanatta and Westcott—16.

So said bill, not having received a constitutional majority, was lost.

Mr. Reid offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That the Trustees of the Ohio Institution for the Blind, be and are hereby authorized to receive and retain for a period of one year, Isaac Seigfried, as a State patient in said institution.

On motion, said resolution was referred to the standing committee on Public Benevolent Institutions.

Mr. Shideler moved to take from the table

H. J. R. No. 93; Relative to the claim of Peter Snider; which was agreed to.

The question then being on the adoption of the resolution,

Mr. Schleich moved to amend by adding the following proviso:

Provided, that if any damages shall be allowed by the Board of Public Works, the same shall not exceed in amount the sum agreed to be paid by said Peter Snider, as water rent, for one year.

On which amendment, the yeas and nays were demanded, and being ordered, resulted—yeas 8, nays 20, as follows:

Those who voted in the affirmative were—

Messrs. Henkle, Miles, Morrow, Perrill, Schleich, Taylor, Thomas and Winans—8.

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Those who voted in the negative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Chapman, Corwine, Gatch, Green, Hatch, Kincaid, Langdon, McCleary, McKelly, Phelps, Reid, Safford, Shideler, Smith, Vanatta and Westcott—20.

So said amendment was not agreed to.

The question then being on the adoption of the resolution,

The yeas and nays were demanded, and being ordered, resulted—yeas 15, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Chapman, Corwine, Green, Hatch, Kincaid, Phelps, Reid, Safford, Shideler, Smith, Vanatta and Westcott—15.

Those who voted in the negative were—

Messrs. Buckland, Canfield, Gard, Gatch, Henkle, Langdon, McCleary, McKelly, Morrow, Perrill, Schleich, Taylor, Thomas and Winans—14.

So said resolution was agreed to.

The preamble of the resolution was then agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 42; To provide for the election of an additional judge of the court of common pleas for the first sub-division of the second judicial district.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time.

Mr. Reid, from the standing committee on Privileges and Elections, reported back

H. B. No. 467; To amend the sixth section of an act entitled an act further to amend the act to preserve the purity of elections, passed April 15, 1857.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 6, nays 21, as follows:

Those who voted in the affirmative were—

Messrs. Miles, Perrill, Reid, Safford, Schleich and Thomas—6.

Those who voted in the negative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Kincaid, Langdon, McCleary, Morrow, Phelps, Shideler, Smith, Taylor, Vanatta, Westcott and Winans—21.

So said bill not having received a constitutional majority was lost.

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Mr. Schleich, from the standing committee on Public Works, reported back

H. J. R. No. 95; Relative to adjustment of claims against the State, with one amendment, which was agreed to.

The question then being on the adoption of the above resolution,

Mr. Canfield moved to adjourn, which was lost.

On motion of Mr. Phelps,

The Senate took a recess until 7½ o'clock P. M.

HALF PAST SEVEN O'CLOCK.

The President directed a call of Senate, which was had, and 30 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

Mr. Green, by unanimous consent of the Senate, presented the memorial of Joseph E. Hall, praying for compensation for storage of public arms of the State.

Referred to the standing committee on Claims.

The question then being on the adoption of

H. J. R. No. 95; Relative to the adjustment of claims against the State,

Mr. Green, moved to amend by striking out the word, "rescindation," and inserting in lieu thereof "rescission," which was agreed to.

The question then being on the adoption of the resolution,

The yeas and nays were demanded, and being ordered, resulted—yeas 21, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Henkle, Kincaid, Langdon, McKelly, Morrow, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—21.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Gard, Gatch Green, McCleary, Miles, Slade, Taylor and Winans—11.

So said resolution was agreed to.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills and joint resolutions, which are now ready for the signature of the President of the Senate:

S. B. No 261; To limit the operation of the act entitled "an act to repeal the ten per cent. law, passed March 14, 1850," passed February 25, 1859.

S. B. No. 299; Directing the sale of certain lands in Union and Summit counties.

H. B. No. 284; To amend section two of the act entitled "an act to relieve the district court, and to give greater efficiency to the judicial system of the State," passed April 12, 1858, and supplementary to said act.

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S. B. No. 306; To authorize the commissioners of Belmont county to loan money.

H. B. No. 498; To authorize the trustees or directors of Aurora Lodge No. 48, Mt. Vernon; Chapter No. 23; Solomon Council No. 5; Calvary Encampment No. 13, in the city of Portsmouth, and State of Ohio, to borrow money.

S. B. No. 109; To amend section two of an act passed March 11, 1853, to provide for the publication of the general laws in newspapers, and to repeal an act entitled "an act to provide for an early publication of the laws, and for other purposes," passed March 23, 1850.

S. B. No. 298; Relating to the Lewistown Reservoir.

S. J. R. No. 89; Relative to removing patients from lunatic asylums.

S. J. R. No. 88; Relative to printing report of investigating committee in German.

H. J. R. No. 83; Relative to repairing the crib of the dam at McConnelsville, in Morgan county.

H. B. No. 474; Supplementary to the act relating to juries, passed February 9, 1831, and to amend the 9th section of said act.

Attest: JOHN W. KNOX, Clerk.

The President then signed the foregoing bills and resolutions, as required by the constitution, in the presence of the Senate.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. B. No. 456; To authorize associations of persons for carrying freight on any of the navigable waters of the State of Ohio, and the lakes and navigable rivers bordering thereon.

Attest: JOHN W. KNOX, Clerk.

Message from the House of Representatives.

Mr. President:

The House has acceded to the request of the Senate for a committee of conference on the disagreement between the two houses, on

H. B. No. 326; Defining the jurisdiction of probate courts in criminal cases in the counties of Pike, Portage, Jackson, Clermont, Carroll, Gallia, Butler, Lucas, Hocking, Defiance and Columbiana, and has appointed Messrs. Green, Sangster and Haymaker as said committee on the part of the House.

Attest: JOHN W. KNOX, Clerk.

The President appointed Messrs. Canfield and Cass said committee on the part of the Senate.

Mr. Phelps, from the Judiciary committee, reported back

S. B. No. 308; To amend an act to regulate the manner in which grand and petit juries shall be drawn and summoned in Hamilton county, passed May 1, 1852.

The question then being on ordering said bill to be engrossed, the same was agreed to.

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Said bill was then engrossed at the clerk's desk and ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Taylor, Thomas, Vanatta, Westcott and Winans—30.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from a select committee, reported back

S. B. No. 175; Concerning bridges, with amendments, which were agreed to.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 9, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Henkle, Miles, Morrow, Perkey, Perrill, Phelps, Shideler, Schleich and Westcott—9.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Chapman, Gard, Gatch, Hatch, Kincaid, Langdon, McCleary, McKelly, Safford, Slade, Taylor, Thomas, Vanatta and Winans—17.

So said bill not having received a constitutional majority, was lost.

Mr. Canfield moved to reconsider the vote by which the Senate refused to pass

H. B. No. 469; To provide for the election of supervisors of roads, being an act supplementary to and amendatory of an act for the incorporation of townships, passed March 14, 1853.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 15, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Langdon, Murdock, Perkey, Reid, Shideler, Thomas, Vanatta and Westcott—15.

Those who voted in the negative were—

Messrs. Gard, Gatch, Green, Hatch, Henkle, Kincaid, McCleary, McKelly, Miles, Morrow, Perrill, Phelps, Safford, Schleich, Slade, Taylor and Winans—17.

So said motion did not prevail.

Mr. Thomas, from the standing committee on Municipal Corporations, reported back

S. B. No. 273; To amend the first section of the act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and recommended that the same be indefinitely postponed, which was agreed to.

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Mr. Thomas, from the same committee, reported back

H. B. No. 384; To amend the 42d section of an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 24, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Corwine, Green, Hatch, Henkle, Langdon, McCleary, McKelly, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta and Wescott—24.

Those who voted in the negative were—

Messrs. Canfield, Chapman, Corwine, Gard, Gatch, Miles and Winans—7.

So said bill having received a constitutional majority, was passed.

The title was amended by striking out "2d" and inserting "4th."

The title as amended was then agreed to.

Mr. Langdon, from a select committee, reported back

S. B. No. 249; To repeal sections 58, 59, 60, 61 and 62 of "an act to provide for the organization, supervision and maintenance of common schools," passed March 11, 1853.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 18, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Canfield, Cantwell, Cass, Chapman, Corwine, Hatch, Henkle, Langdon, McKelly, Miles, Murdock, Perkey, Perrill, Reid, Shideler, Schleich, Smith and Thomas—18.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Gard, Gatch, Green, Kincaid, McCleary, Morrow, Phelps, Safford, Slade, Taylor, Vanatta, Westcott and Winans—15.

So said bill having received a constitutional majority, was passed.

Mr. Langdon moved to amend the title so as to read "to suspend the operation of section 58 of the act to provide for the organization, supervision and maintenance of common schools," passed March 11, 1853, which was agreed to.

The title of the bill, as amended, was then agreed to.

On motion of Mr. Phelps,

S. J. R. No. 83; Relative to an amendment to the constitution concerning the license system, was taken from the table.

Mr. Canfield moved to amend as follows: add at the end of resolution these words, "or it may prohibit the manufacture and traffic in the same."

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On which amendment the yeas and nays were demanded, and being ordered, resulted—yeas 11, nays 22, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Gatch, Green, Hatch, McCleary, Miles, Slade, Taylor and Winans—11.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Chapman, Corwine Gard, Henkle, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—22.

So said amendment was not agreed to.

The question then being on the adoption of the resolution,

The yeas and nays were ordered and resulted—yeas 23, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Gard, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Thomas, Vanatta and Westcott—23.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Gatch, Henkle, McCleary, Miles, Taylor and Winans—9.

So said resolution was agreed to.

On motion of Mr. McKelly,

S. J. R. No. 62; Relative to amendment to the constitution concerning courts,

With pending amendment, was taken from the table.

The question then being on the substitute for the original resolution;

The yeas and nays were demanded, and being ordered, resulted—yeas 9, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Green, McCleary, Miles, Slade, Smith, Taylor and Winans—9.

Those who voted in the negative were—

Messrs. Canfield, Cantwell, Cass, Corwine, Henkle, Kincaid, Langdon, McKelly, Morrow, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Thomas, Vanatta and Westcott—19.

So said substitute was not agreed to.

The question then being on agreeing to said resolution,

The yeas and nays were demanded, and being ordered, resulted—yeas 21, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Henkle, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—21.

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Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Gard, Gatch, Green, McCleary, Miles, Slade, Taylor and Winans—11.

So said resolution was agreed to.

Mr. Smith, from a select committee, reported back

S. J. R. No. 74; Providing for an amendment to the constitution calling for annual sessions.

On which resolution, the yeas and nays were ordered, and resulted—yeas 26, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Henkle, Kincaid, Langdon, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Safford, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—26.

Those who voted in the negative were—

Messrs. McCleary, Morrow, Reid, Shideler and Schleich—5.

So said resolution was agreed to.

Mr. Smith, from a select committee, reported back

S. B. No. 80; Relative to an amendment to the constitution providing for the election of members of the General Assembly.

The question then being on agreeing to said resolution,

The yeas and nays were ordered, and resulted—yeas 24, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cass, Chapman, Corwine, Gard, Gatch, Green, Henkle, Kincaid, Langdon, Miles, Murdock, Perkey, Perrill, Phelps, Safford, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—24.

Those who voted in the negative were—

Messrs. Cantwell, McCleary, McKelly, Morrow, Reid, Shideler and Schleich—7.

So said resolution was agreed to.

On motion of Mr. Perkey,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

FRIDAY, April 1, 1859.

Prayer by the Rev. Mr. Stanley.

Mr. Hatch asked and obtained leave to record his vote on the passage of

S. J. R. No. 80; Relative to an amendment to the constitution providing for the election of members to the General Assembly;

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Also S. J. R. No. 74; Providing for an amendment to the constitution relative to annual sessions;

Also S. J. R. No. 62; Relative to an amendment to constitution concerning judges of the supreme court,

And being called, voted yea.

The following bills were severally read the second time, and disposed of as follows:

H. B. No. 512; To amend section four of an act passed March 26, 1859, entitled an act to provide for the regulation and support of the common schools in the city of Cleveland.

Referred to a select committee of one—Mr. Slade.

H. B. No. 509; To amend section seven of an act to regulate the election of State and county officers, passed May 3, 1852.

Referred to a select committee of one—Mr. Miles.

H. B. No. 485; To authorize the commissioners of Warren county, Ohio, to purchase a certain bridge therein named.

Referred to a select committee of one—Mr. Smith.

H. B. No. 442; To establish a uniform standard of weights and measures.

Referred to the standing committee on Agriculture.

H. B. No. 42; To provide for the election of an additional judge of the court of common pleas for the first subdivision of the second judicial district.

Referred to a select committee of one—Mr. Gard.

Mr. Taylor, on leave, introduced a bill:

S. B. No 312; To amend the 22d section of an act to prescribe the duties of the Attorney General,

Which was read the first time.

On motion, the constitutional rule was suspended, and said bill was then ordered to its second and third readings now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 25, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Chapman, Corwine, Gatch, Green, Hatch, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Slade, Smith, Taylor, Westcott and Winans—25.

Those who voted in the negative were—

Messrs. Cantwell and Reid—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Morrow, from the standing committee on Schools and School Lands, reported back

H. B. No. 496; To authorize the lessees of ministerial section 29 and school

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section 16, in Huron township, Morgan county, to surrender their leases and receive deeds.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 24, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Chapman, Corwine, Gard, Gatch, Green, Hatch, Kincaid, McCleary, McKelly, Miles, Morrow, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Westcott and Winans—24.

Those who voted in the negative were—

Messrs. Cantwell, Langdon and Murdock—3.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Hatch, from the standing committee on Finance, reported back

S B. No. 288; Making appropriations for the payment of interest on the State debt, the payment of a portion of the principal thereof, and the payment of the expenses of the board of commissioners of the sinking fund,

With the pending House amendments.

On which amendments the yeas and nays were ordered and resulted—yeas 5, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Chapman, Gard and Reid—5.

Those who voted in the negative were—

Messrs. Gatch, Green, Hatch, Kincaid, Langdon, Murdock, Perrill, Phelps, Safford, Shideler, Schleich, Slade, Taylor, Thomas, Vanatta, Westcott and Winans—17.

So said amendments were not agreed to.

Mr. Phelps, from the standing committee on the Judiciary, reported back

H. B. No. 120; For the relief of holders of orders issued by free turnpike road companies,

With sundry amendments, which were agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 21, nays 10, as follows:

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Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Kincaid, Miles, Morrow, Murdock, Perkey, Phelps, Reid, Schleich, Taylor, Thomas, Vanatta, Westcott and Winans—21.

Those who voted in the negative were—

Messrs. Buckland, Canfield, Henkle, Langdon, McCleary, McKelly, Perrill, Safford, Slade and Smith—10.

So said, bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Thomas, from the standing committee on Municipal Corporations, reported back

H. B. No. 358; To authorize county commissioners to alter or change the boundaries of election precincts,

And recommended that the same be referred to the standing committee on Privileges and Elections, which was agreed to.

Mr. Green, from a select committee, reported back

H. B. No. 109; Regulating the mode of administering assignments in trust for the benefit of creditors,

With amendments to the Senate amendments, which were agreed to.

The question then being on agreeing to said amendments, as amended, the same was agreed to.

The question then being on ordering said bill to be read a third time, the same was decided in the affirmative.

Said bill was then ordered to be read the third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

Mr. Langdon moved to amend by inserting after the word "whatever," in line five, to line eleven, "that the claim does not embrace any claim for usurious interest, or if it does, the amount thereof shall be stated; and that the claimant has not within three years prior to the time of the assignment received from the assignor, or on his account from others, any usurious interest on said claim, or if he has, the amount thereof shall be stated, and all amounts of usurious interest thus claimed, or admitted to have been received, shall be deducted from the amount of the claim before such claim shall be allowed."

On which amendment the yeas and nays were demanded, and being ordered, resulted—yeas 5, nays 25, as follows:

Those who voted in the affirmative were—

Messrs Buckland, Gatch, Langdon, Reid and Safford—5.

Those who voted in the negative were—

Messrs. Ashmun, Cantwell, Chapman, Corwine, Gard, Green, Hatch, Henkle, Kincaid, McCleary, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—25.

So said amendment was not agreed to.

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Mr. Winans moved to amend by striking out the words, "and the same notice shall be given," in line six, section eight, which was agreed to.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—31.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Westcott, from the standing committee on Claims, reported back the memorial of Joseph Hall, and asked to be discharged from the further consideration of the same; which was agreed to.

Leave was thereupon granted Mr. Green to withdraw said memorial.

Mr. Buckland, from the standing committee on Municipal Corporations, reported back

H. B. No. 427; Supplementary to an act to provide for the creation and regulation of incorporated companies, passed May 3, 1852, with amendments; which were agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs Ashmun, Buckland, Canfield, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, McKelly, Miles, Morrow, Murdock, Perky, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—30.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Canfield, from the select committee of conference on the disagreement between the two houses on amendments to

H. B No. 326; recommending certain amendments; on which amendments

The yeas and nays were demanded, and being ordered, resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Chapman, Corwine, Gatch, Green, Hatch, Kincaid, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Schleich, Slade, Smith, Taylor, Westcott and Winans—21.

So said amendments were agreed to.

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The President laid before the Senate a communication from the Governor, making certain appointments as trustee for the different asylums of the State.

Referred to the standing committee on Executive Nominations.

Mr. Morrow asked and obtained leave of absence for this afternoon.

On motion of Mr. Reid,

The Senate took a recess.

TWO O'CLOCK P. M.

Mr. Miles, from a select committee, reported back

H. B. No. 509; To amend section seven of an act to regulate the election of State and county officers, passed May 3, 1852.

On motion, the same was referred to the standing committee on Privileges and Elections.

Mr. Slade, from a select committee, reported back

H. B. No. 512; To amend section four of an act passed March 26, 1859, entitled "an act to provide for the regulation and support of the common schools in the city of Cleveland."

On motion of Mr. Slade,

A call of the Senate was had, when 22 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill (the constitutional rule being suspended for that purpose) was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Chapman, Corwine, Gatch, Green, Hatch, Kincaid, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Slade, Thomas, Vanatta, Westcott and Winans—22.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Winans, from a select committee, reported back

H. B. No. 468; To repeal the 6th, 7th and 8th sections of the act entitled an act to incorporate the several turnpike companies therein named in Green county, with amendments, which were agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

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Said bill was then ordered to be read the third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 22, nays none as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Chapman, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Slade, Vanatta, Westcott and Winans—22.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps, from the standing committee on the Judiciary, reported back

H. B. No. 459; In relation to public records.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, McCleary, McKelly, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Slade, Smith, Thomas, Vanatta, Westcott and Winans—24.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Thomas, from the standing committee on Municipal Corporations, reported back

H. B. No. 438; To provide for the payment of indebtedness of townships, incurred for the support of the poor.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Miles, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Thomas, Vanatta, Westcott and Winans—29.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Thomas, from the same committee, reported back

H. B. No. 500; To repeal an act passed April 3, 1858, entitled "an act supple-

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mentary to an act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 12, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Chapman, Hatch, Henkle, Kincaid, McKelly, Perrill, Reid, Safford, Schleich, Slade, Smith and Thomas—12.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Corwine, Gard, Gatch, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Phelps, Shideler, Taylor, Vanatta, Westcott and Winans—18.

So said bill not having received a constitutional majority, was lost.

Mr. Phelps moved that the vote by which the Senate refused to passed said bill be reconsidered, which was agreed to.

The question then being,

"Shall the bill pass?"

On motion, said bill was referred to a select committee of one—Mr. Perrill.

Mr. Phelps, from a majority of the Judiciary committee, reported back

H. B. No. 383; To repeal an act therein named.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 21, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Chapman, Corwine, Hatch, Kincaid, Langdon, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Thomas, Vanatta and Westcott—22.

Those who voted in the negative were—

Messrs. Buckland, Canfield, Gard, Gatch, Henkle, McCleary, Taylor and Winans—8.

So said bill having received a constitutional majority, was passed.

Said title was amended and then agreed to.

Mr. Kincaid, from a select committee, reported back

H. B. No. 486; To change a portion of the line between the counties of Clermont and Warren.

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The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—31.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Gard, from a select committee, reported back

H. B. No. 42; To provide for the election of an additional judge of the court of common pleas for the first sub division of the second judicial district.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill (the constitutional rule being suspended for that purpose,) was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 29, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Thomas, Vanatta, Westcott and Winans—29.

Mr. McCleary voted in the negative.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Henkle moved that the vote by which the Senate refused to pass

S. B. No. 175; Concerning bridges; be reconsidered,

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 26, nays 4, as follows:

Those who voted in the affirmative were—

Messrs Buckland, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Schleich, Smith, Thomas, Vanatta, Westcott and Winans —26.

Those who voted in the negative were—

Messrs. Ashmun, McCleary, Slade and Taylor—4.

So said motion was agreed to.

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On motion, said bill was referred to a select committee of one—Mr. Henkle.

Mr. Reid, from the standing committee on Privileges and Elections, reported back

H. B. No. 509; To amend section 7 of an act to regulate the election of State officers, passed May 3, 1852.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill (the constitutional rule being suspended for that purpose,) was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Schleich, Slade, Smith, Taylor, Thomas and Winans—27.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

The President laid before the Senate a special report from the Board of Public Works, which was laid on the table and ordered to be printed.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 231; To amend sections six, fifteen, twenty-five and twenty-seven of the act entitled "an act to further provide for the better regulation of the receipt, disbursement and safe keeping of the public revenue," passed April 12, 1858,

With amendments, in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Hatch,

Said bill, with amendments, was referred to the standing committee on Finance.

Mr. Hatch, from the standing committee on Finance, introduced a bill,

S. B No. 313; To provide for the payment of the expenses of reappraisal of real estate for the year 1859.

Which was read the first time.

On motion, the constitutional rule was suspended, and said bill was ordered to be read a second and third time now.

Said bill was then read a second and third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 26, nays 1, as follows:

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Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gatch, Green, Hatch, Kincaid, Langdon, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Schleich, Slade, Smith, Taylor, Thomas and Winans —26.

Mr. Henkle voted in the negative.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Phelps offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That the Auditor of State be directed to sell the locomotive belonging to the State, formerly used in the construction of the State House, to the best advantage for the State, and on such terms as the Auditor may agree to.

On which resolution the yeas and nays were ordered, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Schleich, Slade, Smith, Taylor, Thomas and Winans—28.

So said resolution was agreed to.

On motion of Mr. McKelly,

The Senate resolved itself into a committee of the Whole on the orders of the day, Mr. McKelly in the chair, and after some time spent therein, rose and reported back

H. B. No. 297; To repeal section three of an act further to prescribe the duties of county commissioners, passed April 11, 1856,

With an amendment, striking out all after the enacting clause.

On motion, said bill was indefinitely postponed.

Also H. B. No. 504; To prohibit the commissioners of Perry county, Ohio, from levying or collecting any tax to repair or purchase the county buildings at Somerset, Perry county, Ohio.

On motion, said bill was referred to a select committee of one—Mr. Vanatta.

The President laid before the Senate a communication from the Governor, transmitting certain nominations, and the same was referred to the standing committee on Executive Nominations.

Mr. Murdock offered for adoption the following resolution, which was referred to the standing committee on Railroads:

Resolved, That the standing committee on Railroads be instructed to report back House Bill No. 101, without delay.

On motion of Mr. Phelps,

The Senate took a recess until 7½ o'clock P. M.

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HALF-PAST SEVEN O'CLOCK P. M.

The President directed a call of the Senate, when 29 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

Message from the House of Representatives.

Mr. President:

The House insists on its amendment to

S. B. No. 288; Making appropriations for the payment of interest on the State debt, the payment of a portion of the principal thereon, and the payment of the expenses of the Board of Commissioners of the Sinking Fund,

And requests a committee of conference.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Taylor,

The Senate acceded to the request of the House relative to a committee of conference, and the President appointed on the part of the Senate, Messrs. Taylor and Hatch.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 300; To provide for the enlargement of the Ohio Penitentiary.

Attest: JOHN W. KERR, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 74; Relative to an amendment to the constitution providing for annual sessions of the Legislature,

With an amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

The question being on agreeing to said amendment,

On motion of Mr. Slade,

A call of the Senate was had, and 30 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

The question then being on agreeing to said amendment,

The yeas and nays were demanded, and being ordered, resulted—yeas 13, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Chapman, Gard, Gatch, Hatch, McKelly, Perkey, Phelps, Safford, Shideler, Slade, Taylor, Westcott and Winans—13.

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Those who voted in the negative were—

Messrs. Ashmun, Canfield, Cantwell, Green, Henkle, Kinsaid, Langdon, McCleary, Miles, Murdock, Reid, Schleich, Smith, Thomas and Vanatta—15.

So said amendment was not agreed to.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. B No. 384; To amend the 42d section of an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

Also to Senate amendments to

H. B. No 120; For the relief of the holders of orders issued by free turnpike road companies.

Attest: JOHN W. KERR, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 308, A bill to amend an act to regulate the manner in which grand and petit jurors shall be drawn in Hamilton county, passed May 1, 1852.

Attest: JOHN W. KERR, Clerk.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. J. R No. 95; Relative to adjustment of claims against the State,

And has appointed Messrs. Rankin, Edmiston and Bagley, as said committee on the part of the House.

Attest: JOHN W. KERR, Clerk.

Message from the House of Representatives.

Mr. President:

The House requests the return of

H. B. No. 234; To allow the city of Toledo to borrow money for certain purposes therein named.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Buckland,

Said request was granted, and said bill was returned to the House.

Mr. Henkle, from a select committee, reported back

S. B. No. 175; Concerning bridges.

Mr. Taylor offered the following amendment:

"Provided, however, that no fence shall be connected with such bridge, or any abutment, pier or embankment thereunto belonging, at a point less than ten feet from the surface of the ground.

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On which amendment the yeas and nays were demanded, and being ordered, resulted—yeas none, nays 26, as follows:

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Chapman, Gard, Gatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Miles, Murdock, Perkey, Perrill, Reid, Safford, Shideler, Schleich, Slade, Smith, Thomas, Vanatta, Westcott and Winans—26.

So said amendment was not agreed to.

Mr. Langdon moved to refer said bill to a select committee of one.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 7, nays 22, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Corwine, Gatch, Hatch, Langdon, Safford and Vanatta—7.

Those who voted in the negative were—

Messrs. Buckland, Canfield, Cantwell, Chapman, Gard, Henkle, Kincaid, McCleary, McKelly, Miles, Murdock, Perkey, Perrill, Reid, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Westcott and Winans—22

So said motion to refer was not agreed to.

Mr. Winans offered the following amendment, which was lost:

"Provided, further, that the decision of the county commissioners shall be inoperative untill the same shall have been ratified by a majority of the people, at the next general election.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 17, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Corwine, Gard, Henkle, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Smith, Westcott and Winans—17.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Gatch, Hatch, Langdon, McCleary, Safford, Slade, Taylor, Thomas and Vanatta—11.

So said bill, not having received a constitutional majority, was lost.

Mr. Safford, from the joint select committee relative to the treasury defalcation, reported back the following resolution:

Resolved, by the General Assembly of the State of Ohio, That the Commissioners of the Sinking Fund be and they are hereby authorired and required, at as early a day as may be practicable, consistent with their other duties, to ascertain the amount of the defalcation in the Treasury, at the expiration of the official term of John G. Breslin, late Treasurer of State; and the increased amount of such defalcation at the time of the resignation of William H. Gibson, of the same office. That upon ascertaining the amount of such defalcation, said commissioners apportion the same among the several funds in the treasury, in such manner as may to them seem proper, and certify the apportionment to the Auditor, Comptroller and

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Treasurer of State, who shall thereupon charge the several funds with their respective proportions, agreeably to such apportionment; and the amount thereof shall be charged by the Auditor and Comptroller to the Commissioners of the Sinking Fund, as a suspense account, and accounts kept separate from the cash funds under the control of the Commissioners. When any portion of such defalcation shall be collected, or otherwise recovered, the same shall be apportioned in the manner aforesaid, and credited to the several funds to which the defalcation shall have been charged.

Resolved, That upon ascertaining the amounts of the defalcations aforesaid, the said Commissioners shall charge over in their accounts to the said John G. Breslin, and to the said William H. Gibson, their respective portions of the same; and that they correct such accounts if and whenever any facts shall come to their knowledge, requiring such correction to be made; and when any moneys applicable to the reduction of the amount of said defalcations shall be collected of said Breslin or said Gibson, or their sureties, or from any other source, the same shall be credited to the proper account, and paid into the treasury.

Resolved, That in making their annual reports, the Auditor and Comptroller shall render an account of the matters aforesaid, separate from that of the usual transactions of their offices; and in like manner the Commissioners of the Sinking Fund shall include the same in their semi-annual reports, making complete, separate and particular statements of the various items comprising the said suspense account, and the condition of the securities and property composing the same.

On which resolution the yeas and nays were demanded, and being ordered, resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Chapman, Gard, Gatch, Hatch, Henkle, Kincaid, Langdon, McKelly, Murdock, Phelps, Reid, Safford, Shideler, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—23.

So said resolution was agreed to.

Mr. Kincaid, from the standing committee on Public Benevolent Institutions, reported back

S. J. R. No. 92; Relative to receiving Isaac Seigfried into the Blind Asylum.

The question being on agreeing to said resolution, the same was decided in the negative.

Mr. Kincaid offered for adoption the following resolution, which was referred to the standing committee on State Buildings:

Resolved by the General Assembly of the State of Ohio, That so much of the joint resolution relative to assignment of rooms in the State House, passed April 17, 1857, as assigns certain rooms to the Auditor of State, Treasurer of State and Attorney General, be, and the same is hereby rescinded; and that it shall be the duty of the Governor and Secretary of State, immediately after the adjournment of the present session of the General Assembly, to make such reassigument of rooms in the south wing and center building of the State House, to the Auditor, Treasurer, Comptroller and Attorney General, as may best comport with the convenience of said offices, and of persons transacting business therewith.

Mr. Reid, on leave, introduced a bill:

S. B. No. 314; To amend the 16th section of an act entitled an act to incorporate the original surveyed townships, passed March 14, 1831;

Which was read the first time.

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On motion of Mr. Taylor,

The rule was suspended, and said bill was referred to the standing committee on Schools and School Lands.

On motion of Mr. Green,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

SATURDAY, April 2, 1859.

Prayer by the Rev. Mr. Stanley.

The President appointed Messrs. Schleich, Smith and Langdon, as the committee on the part of the Senate, on

H. J. R. No. 95; Relative to the adjustment of claims against the State.

M. Schleich presented the memorial of J. Clarke and others, relative to certain of the public works near Lancaster.

Referred to the standing committee on Public Works.

Mr. Hatch, from the standing committee on Finance, reported back

S. J. R. No. 91; Relative to assets of J. G. Breslin received from the Treasury Investigating Commission,

With amendments, which were agreed to.

The question then being on the adoption of said resolution,

The yeas and nays were ordered and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Miles, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Shideler, Schleich, Slade, Taylor, Vanatta, Westcott and Winans—28.

So said resolution was agreed to.

Mr. Morrow, from the standing committee on Schools and School Lands, reported back

H. B. No. 436; To amend an act for the reorganization, supervision and maintenance of common schools, passed March 14, 1853,

With an amendment, which was agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

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Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, McCleary, Miles, Morrow, Murdock, Perkey, Phelps, Shideler, Schleich, Taylor, Thomas, Vanatta and Winans—25.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Hatch,

A call of the Senate was had, and 27 Senators answered to their names.

On motion, Mr. McKelly was excused.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

Mr. Hatch, from the Finance committee, reported back

S. B. No. 231; To amend sections 6, 15, 25 and 27, of the act entitled an act to further provide for the better regulation of the receipt, disbursement and safe keeping of the public revenue, passed April 12, 1858,

With the pending House amendments.

The question then being on agreeing to said amendments,

The yeas and nays were ordered, and resulted—yeas 18, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Hatch, Kincaid, Langdon, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—18.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Gard, Gatch, McCleary, Miles, Slade, Taylor and Winans—10.

So said amendments were agreed to.

Mr. Henkle (the rules being suspended for that purpose) introduced a bill:

S. B. No. 315; To amend section three of an act passed March 29, 1859, entitled act to amend section sixty-nine of an act passed May 3, 1852, entitled an act to provide for the organization of cities and incorporated villages,

Which was read the first time.

On motion, the constitutional rule was suspended, and said bill was read a second and third time now.

Said bill was then read a second and third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine,

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Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, Miles, Morrow, Murdock, Perrill, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—29.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Morrow, from the standing committee on Schools and School Lands, reported back

S. B. No. 165; For the relief of H. W. Derby & Co.

On motion, said bill was laid on the table.

Mr. Reid, from the standing committee on Privileges and Elections, reported back

H. B. No. 225; To prescribe the duties of judges of elections in certain cases, and to preserve the purity of elections.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 20, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Kincaid, Langdon, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—20.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Gard, Gatch, Green, Henkle, McCleary, Miles, Slade, Taylor and Winans—12.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Safford, from the standing committee on Currency, reported back

H. B. No. 124; Authorizing the examination of banking corporations in certain cases.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Holloway, Kincaid, McCleary, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—30.

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So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Safford, from a majority of the standing committee on Currency, reported back

H. B. No. 251; For the relief of the holders of bank notes of the Seneca County Bank, and recommended that the same be indefinitely postponed.

Mr. Canfield moved to refer said bill to the Judiciary committee.

Mr. Safford moved a call of the Senate, which was had, and 30 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

The question then being on referring said bill to the Judiciary committee, the same was not agreed to.

The question then being on the indefinite postponement of said bill,

The yeas and nays were ordered, and resulted—yeas 27, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Thomas, Vanatta, Westcott and Winans—27.

Those who voted in the negative were—

Messrs. Canfield, Green, Miles, Reid and Slade—6.

So said bill was indefinitely postponed.

Mr. Hatch, from the Finance committee, reported back

S. J. R. No. 87; Relative to broken bank and counterfeit money in the treasury, with the pending House amendments.

The question then being on agreeing to said House amendments,

The yeas and nays were ordered, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Safford, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—28.

So said amendments were agreed to.

Message from the House of Representatives.

Mr. President:

The House has indefinitely postponed

S. B. No. 301; For the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money.

Attest: JOHN W. KERR, Clerk.

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Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same :

H. B. No. 483; Providing for the relief of the surviving lessees of the National Road, and for the future management of said road.

Attest : JOHN W. KERR, Clerk.

Said bill was read the first time.

On motion of Mr. Canfield,

The Senate took a recess.

TWO O'CLOCK P. M.

The President directed a call of the Senate, which was had, when 23 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

Mr. Smith, from a select committee, reported back

H. B. No. 485 ; To authorize the commissioners of Warren county to purchase a certain bridge therein named.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 24, nays none, as follows :

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Chapman, Corwine, Gatch, Green, Hatch, Kincaid, Langdon, Murdock, Perrill, Phelps, Safford, Shideler, Schleich, Slade, Smith, Taylor Thomas, Vanatta, Westcott and Winans—24.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Canfield, from the standing committee on Schools and School Lands, reported back

S. B. No. 314 ; To amend the 10th section of an act entitled "an act to incorporate the original surveyed townships," passed March 14, 1831, with amendments ; which were agreed to.

The question then being on ordering said bill to be engrossed,

On motion, said bill was referred to a select committee of one—Mr. Vanatta.

On motion of Mr. Langdon,

A call of the Senate was had, when 26 Senators answered to their names.

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The Sergeant-at-Arms was dispatched after the absentees.

On motion, Messrs. Reid, Perkey and McKelly were excused.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

Mr. Safford moved to take from the table

H. B. No. 50; Supplementary to an act entitled "an act to create a lien in favor of mechanics and others, in certain cases;" which was agreed to.

The question then being on the indefinite postponement of said bill,

The yeas and nays were demanded, and being ordered, resulted—yeas 10, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Chapman, Henkle, Holloway, Kincaid, Morrow, Taylor, Thomas, Westcott and Winans—10.

Those who voted in the negative were—

Messrs. Canfield, Cantwell, Corwine, Gard, Gatch, Green, Hatch, Langdon, McCleary, Murdock, Perrill, Phelps, Safford, Shideler, Slade, Smith and Vanatta—17.

So said motion was not agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 12, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Gard, Green, Holloway, Kincaid, Langdon, McCleary, Murdock, Phelps, Safford, Thomas and Vanatta—12.

Those who voted in the negative were—

Messrs. Ashmun, Canfield, Cass, Chapman, Corwine, Hatch, Henkle, McKelly, Miles, Morrow, Perrill, Shideler, Slade, Smith, Taylor, Westcott and Winans—17.

So said bill, not having received a constitutional majority, was lost.

Mr. McKelly, from the standing committee on Railroads, reported back

H. B. No. 103; To provide for the collection of claims against railroad companies, and recommended that the same be indefinitely postponed.

Mr. Langdon moved to amend as follows:

1st amendment. Line 4, section 1, insert after the word "labor," the word "hereafter."

2d. In line 6, after the word "materials," insert the word "hereafter."

3d. In line 9, after the word "property," insert the word "hereafter."

4th. In line 11, same section, strike out the words "be legally liable," and

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insert in lieu thereof, the words "become legally liable after the taking effect of this act."

5th. In line 12, after the word "indebtedness," insert the words "given after the taking effect of this act."

6th. Strike out section 9.

On which amendments the yeas and nays were demanded, and being ordered, resulted—yeas 21, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cass, Chapman, Corwine, Green, Hatch, Holloway, Kincaid, Langdon, McKelly, Miles, Morrow, Perrill, Schleich Smith, Taylor, Thomas, Vanatta, Westcott and Winans—21.

Those who voted in the negative were—

Messrs. Cantwell, Gard, Gatch, Henkle, McCleary, Murdock, Phelps, Safford, Shideler and Slade—10.

So said amendments were agreed to.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 12, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Corwine, Gard, Kincaid, Langdon, McCleary, Murdock, Phelps, Safford, Schleich and Thomas—12.

Those who voted in the negative were—

Messrs. Canfield, Cass, Gatch, Green, Hatch, Henkle, Holloway, McKelly, Miles, Morrow, Perrill, Shideler, Slade, Smith, Taylor, Westcott and Winans—17.

So said bill not having received a constitutional majority, was lost.

On motion of Mr. Holloway,

The constitutional rule was suspended, and

H. B. No. 483; Providing for the relief of the surviving lessees of the National Road, and for the better management of said road, was read the second time and referred to a select committee of three—Messrs. Holloway, Perrill and Winans.

Message from the House of Representatives.

Mr. President:

The House has reconsidered the vote by which it indefinitely postponed

S. B. No. 301; For the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money, and has passed the aforesaid bill.

Attest: JOHN W. KEES, Clerk.

Mr. Shideler, from the standing committee on Agriculture, reported back

H. B. No. 442; To establish a uniform standard of weights and measures.

The question then being on ordering said bill to be read a third time, the same was agreed to.

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Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 24, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Chapman, Corwine, Gard, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Phelps, Shideler, Slade, Smith, Taylor, Thomas, Vanatta and Winans—24.

Those who voted in the negative were—

Messrs. Canfield, Gatch, Perrill and Westcott—4.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. McCleary moved that the vote by which the Senate passed

S. J. R. No. 74; Relative to annual sessions, be reconsidered, and that the motion to reconsider be laid on the table, which was agreed to.

The President laid before the Senate a communication from the Governor, transmitting a certain report relative to the public arms;

Referred to the standing committee on Militia.

On motion of Mr. Slade,

A message was sent to the House requesting the return of

S. J. R. No. 74; Relative to annual sessions.

Mr. Perrill, from the standing committee on the Penitentiary, reported to the Senate the following resolution:

S. J. R. No. 96; *Resolved, by the General Assembly of the State of Ohio,* That the Governor be and he is hereby authorized and requested to appoint a commission consisting of three competent citizens of the State, whose duty it shall be to inquire and report, at as early a day as may be convenient to the Governor, to be laid before the next general assembly:

1st. What additions, if any, to increase to a sufficient extent the capacity of the prisons of the State for the reception, security and employment of persons convicted of penitentiary offences, should be made.

2d. Whether such increase should be made by additions to the present penitentiary, beyond those now authorized, or by the erection of a new penitentiary.

3d. If by the erection of a new penitentiary, in what part of the State should the same be erected, and what will be the cost of the necessary real estate.

4th. If by the erection of additions to the present penitentiary, what will be the cost thereof, and upon what plan—and if by the erection of a new penitentiary what will be the probable cost of a prison of sufficient capacity to receive, secure and employ five hundred convicts—and of one of sufficient capacity for three hundred convicts, so built as to admit of additions thereto, without defeating the order or arrangement of the building, or incurring the loss or destruction of any of the walls thereof—and what will be the cost of such new penitentiary, on either plan.

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On which resolution the yeas and nays were demanded, and being ordered, resulted—yeas 19, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfied, Cantwell, Cass, Corwine, Gard, Gatch, Hatch, Holloway, Kincaid, Miles, Morrow, Murdock, Perrill, Schleich, Slade, Smith and Taylor—19.

Those who voted in the negative were—

Messrs. Langdon, McKelly, Vanatta, Westcott and Winans—5.

So said resolution was agreed to.

On motion of Mr. Phelps,

The motion to reconsider the vote by which the Senate agreed to the report of the committee of conference relative to the disagreement between the two Houses on

H. B. No. 234; To authorize the city of Toledo to borrow money, was taken up.

The question being on the motion to reconsider said vote,

The yeas and nays were demanded, and being ordered, resulted—yeas 21, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Canfield, Cantwell, Cass, Chapman, Corwine, Hatch, Holloway, Langdon, McCleary, McKelly, Morrow, Murdock, Perrill, Phelps, Safford, Schleich, Smith, Taylor, Thomas, Vanatta and Westcott—21.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Gard, Gatch, Henkle, Kincaid, Miles, Slade and Winans—9.

So said motion was agreed to.

Mr. Miles, from a select committee, reported back

S. B. No. 260; Fixing the rate of interest.

And on motion, said bill was laid on the table.

Mr. Miles offered for adoption the following resolution, which was agreed to:

Resolved by the General Assembly of the State of Ohio, That the State House Commissioner be and he is hereby instructed to hand over to the directors and warden of the Ohio Penitentiary a lot of old iron doors, window shutters, door locks, &c., which are now in the basement story of the State House. Also any other articles which have been purchased by the State to be used in the construction of the State House, which cannot be used to advantage in the completion thereof, provided said articles can (in the opinion of said directors and warden) be used to advantage in the construction of the contemplated enlargement of the Ohio Penitentiary.

Mr. Schleich, from the standing committee on the Militia, reported back the message of the Governor and the report of the adjutant general, concerning public arms, and the same was ordered to be printed in Appendix to Senate Journal.

Mr. Schleich, from the standing committee on Public Works, reported back sundry petitions, &c., relating to the public works, and asked to be discharged from the further consideration of the same, which was agreed to.

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Mr. Morrow, from the standing committee on Schools and School Lands, reported back the resolution relative to an inquiry concerning public schools.

And, on motion, said committee was discharged from the further consideration of the same.

On motion of Mr. Canfield,

The Senate took a recess until 7½ o'clock, P. M.

HALF-PAST SEVEN O'CLOCK, P. M.

On motion of Mr. Taylor, it was

Resolved, That the clerk of the Senate be allowed one week's extra pay for arranging, classifying, labelling and filing away the bills, resolutions, petitions, remonstrances and other papers connected with the business of the Senate, and that the same be paid on the certificate of the President of the Senate.

Mr. Westcott, from a select committee, reported back

H. B. No. 386; To compel railroad companies to build culverts and to construct ditches, in certain cases.

And on motion, said bill was laid on the table.

Mr. Vanatta, from a select committee, reported back

H. B. No. 504; To prohibit the commissioners of Perry county from levying or collecting any tax to repair or purchase the county buildings at Somerset, in said county, with amendments,

On which amendments the yeas and nays were demanded, and being ordered, resulted—yeas 14, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Gard, Green, Kincaid, Morrow, Perrill, Shideler, Taylor, Vanatta, Westcott and Winans—14.

Those who voted in the negative were—

Messrs. Buckland, Corwine, Gatch, Henkle, McCleary, Miles, Murdock, Phelps and Slade—9.

So said amendments were agreed to.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

Mr. Vanatta moved a call of the Senate, which was had, and 27 Senators answered to their names.

On motion, Messrs. McKelly, Schleich, Langdon and Smith were excused.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

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The question then recurring,

"Shall said bill pass?"

The yeas and nays were ordered, and resulted—yeas 13, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Cass, Chapman, Gard, Green, Kincaid, Morrow, Shideler, Vanatta, Westcott and Winans—13.

Those who voted in the negative were—

Messrs. Buckland, Corwine, Gatch, Henkle, Holloway, McCleary, Miles, Murdock, Perrill, Phelps, Reid, Safford Slade, Taylor and Thomas—15.

So said bill not having received a constitutional majority, was lost.

Mr. Vanatta, from a select committee, reported back

S. B. No. 314; To amend the 16th section of an act entitled "an act to incorporate the original surveyed townships," passed March 14, 1831, with amendments, which were agreed to.

The question then being on ordering said bill to be engrossed, the same was agreed to.

Said bill was then engrossed at the clerk's desk and ordered to be read the third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Chapman, Gard, Gatch, Green, Henkle, Holloway, McCleary, Morrow, Murdock, Perrill, Phelps, Reid, Shideler, Slade, Taylor, Thomas, Vanatta, Wescott and Winans—23.

So said bill, having received a constitutional majority, was passed.

The title was then amended so as to read as follows: "to provide for the sale of school lands in Perry county."

Said title as amended was then agreed to.

Mr. Vanatta, from a select committee, reported back

H. B. No. 316; To authorize the trustees of Jackson township, in Muskingum county, to sell a certain lot in Frazeesburgh.

The question then being on ordering said bill to be read the third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Chapman, Corwine, Gard, Gatch, Henkle, Holloway, Kincaid, McCleary, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Shideler, Slade, Taylor, Thomas, Vanatta and Westcott—24.

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So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Miles moved to take from the table the motion to reconsider the vote by which the Senate indefinitely postponed

H. B. No. 289; To amend section 12 of an act passed February 21, 1849, for the better regulation of public schools in cities, towns, &c.

Which was agreed to.

The question then being on the motion to reconsider,

The yeas and nays were demanded, and being ordered, resulted—yeas 16, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Cass, Chapman, Corwine, Gard, Gatch, Henkle, Holloway, Miles, Murdock, Perrill, Phelps, Reid, Slade, Thomas and Vanatta—16.

Those who voted in the negative were—

Messrs. Ashmun, Canfield, Kincaid, McCleary, Morrow, Safford, Shideler, Westcott and Winans—9.

So said motion to reconsider prevailed.

On motion, said bill was laid on the table.

Mr. Reid from the standing committee on Privileges and Elections, reported back

H. B. No. 358; To authorize county commissioners to alter or change the boundaries of election precincts,

With amendments which had been disagreed to by the House.

On motion of Mr. Cantwell,

The Senate insisted upon its amendment, and asked a committee of conference on the disagreement between the two Houses.

Mr. Phelps, from the joint select committee on the Treasury Commission Report, made a report relative to the matter of B. R. Durfee, Esq., and recommended that the same, together with his protest, be printed; also printed in the Appendix to the Senate Journal, which was agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 294; Making appropriations in part for the first quarter of the year 1860.

With an amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

On motion, said bill, with the pending House amendment, was referred to the standing committee on Finance.

Mr. Hatch, from the standing committee on Finance, reported back

S. B. No. 294; Making appropriations for the year 1859, and the first quarter of the year 1860,

With the pending House amendment.

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On motion of Mr. Hatch,

A call of the Senate was had, and 26 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

The question then being on agreeing to the House amendment,

The yeas and nays were ordered, and resulted—yeas 25, nays none, as follows :

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Holloway, McCleary, Miles, Morrow, Murdock, Perrill, Reid, Safford, Shideler, Slade, Taylor, Thomas, Vanatta and Westcott—25.

So said amendment was agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 293; Making appropriations for the year 1859,

With amendments, in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

On motion, said bill, with the pending House amendment, was referred to the standing committee on Finance.

Mr. Reid, from the standing committee on Privileges and Elections, reported back

S. B. No. 68; To amend an act entitled an act to regulate the election of State and county officers, passed May 3, 1852.

S. B. No. 52; To regulate the time of holding elections, and to amend an act to regulate the election of State and county officers, passed May 3, 1852; also to amend the act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852,

And recommended that they be severally laid on the table, which was agreed to.

Mr. Thomas, from the standing committee on Municipal Corporations, reported back

H. B. No. 127; To repeal an act supplementary to an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and which was passed April 3, 1857.

On motion, said bill was laid on the table.

Message from the House of Representatives.

Mr. President:

The House has passed

H. J. R. No. 100; Relative to printing documents in German,

In which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

Said resolution was agreed to.

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Mr. Cantwell offered for adoption the following resolution, which was agreed to.

Resolved, That the committee on State Buildings be, and are hereby requested to report back to the Senate, H. B. No. 510, in relation to the State House Commissioners, on Monday morning next.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills and joint resolutions, which are now ready for the signature of the President of the Senate:

H. B. No. 384; An act to amend the 44th section of an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

H. B. No. 509; An act to amend section 7 of an act to regulate the election of State and county officers, passed May 3, 1852. (Swan's Statutes, 341.)

H. B. No. 496; An act to authorize the lessees of ministerial section sixteen, in Homer township, Morgan county, to surrender their leases and receive deeds.

H. B. No. 459; An act in relation to public records.

H. B. No. 42; An act to provide for the election of an additional judge of the court of common pleas for the first subdivision of the second judicial district.

H. B. No. 225; An act to prescribe the duties of judges of elections in certain cases, and to preserve the purity of elections.

H. B. No. 485; An act to authorize the commissioners of Warren county, Ohio, to purchase a certain bridge therein named.

H. B. No. 124; An act authorizing the examination of banking corporations in certain cases.

H. B. No. 120; An act for the relief of the holders of orders issued by free turnpike road companies.

H. B. No. 438; An act to provide for the payment of indebtedness of townships incurred for the support of the poor.

H. J. R. No. 95; Relative to adjustment of claims against the State.

H. B. No. 486; An act to change a portion of the line between the counties of Clermont and Warren.

H. B. No. 364; An act to authorize the town council of the town of Calais, in the county of Monroe, to levy taxes for the purpose of improving the streets in said town.

S. J. R. No. 55; Relative to enlarging ditches of Maumee and Western Reserve Roads.

S. B. No. 281; An act to provide for the semi-annual collection of taxes.

H. B. No. 456; An act to authorize associations of persons for carrying freight on any of the navigable waters of the State of Ohio, and the lakes and navigable rivers bordering thereon.

H. J. R. No. 93; Relative to the claim of Peter Snider.

H. B. No. 378; An act to protect literary societies.

H. B. No. 480; An act for the support and better regulation of common schools in school district No. 2, Hamilton township, Warren county, Ohio.

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S. B. No. 197; An act to provide for the renewal and to regulate the final payment of the funded debt of the State.

H. B. No. 512; An act to amend section 4 of an act passed March 26, 1859, entitled an act to provide for the regulation and support of the common schools in the city of Cleveland.

S. B. No. 308; An act to amend an act to regulate the manner in which grand and petit juries shall be drawn and summoned in Hamilton county, passed May 1, 1852.

Attest: JOHN W. KEES, Clerk.

The President of the Senate then signed the foregoing bills and resolutions, as required by the constitution, in the presence of the Senate.

Mr. Reid, from a select committee, reported back

S. B. No. 311; For the relief of George Rinehart,

And recommended that the same be laid on the table, which was agreed to.

Also, from the same committee, offered for adoption the following joint resolution, which was agreed to:

Resolved by the General Assembly of the State of Ohio, That the auditor of Morrow county, Ohio, be, and he is hereby required to settle and adjust the claim of George Rinehart, of said county, for money over paid by said Rinehart in the purchase of land from the State in section No. 16, township 19, and range 19, in said county.

On motion of Mr. Schleich, it was

Resolved by the General Assembly of the State of Ohio, That the Acting Commissioner in charge of division No. 3 of the Public Works, is hereby directed to receive and pay for, at their appraised value, the horses and mules taken from Messrs. Forrer, Burt & Co., under and by virtue of the act of April 15, 1857, entitled "an act making appropriations for the Public Works for the year 1857," and that he also pay such charges for keeping and taking care of the same, as may be reasonable and proper.

Mr. Hatch, from a majority of the standing committee on Finance, reported back

S. B. No. 293; Making appropriations for the year 1959, with the pending House amendment.

Mr. Taylor moved to amend the House amendment as follows:

Add, "for payment of overdrafts for Public Works, the sum of $16,330 80."

Mr. Slade moved a call of the Senate, which was ordered, when 28 Senators answered to their names.

On motion, Messrs. McKelly and Perkey were excused.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

The question then being on the amendment to the amendment,

On motion, said bill was laid on the table.

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Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 153; Conferring certain powers on and prescribing certain duties of the Board of Public Works, with amendments, in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

The question then being on agreeing to said amendment,

The yeas and nays were ordered and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass. Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Murdock, Perrill, Phelps, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—28.

So said amendments were agreed to.

On motion of Mr. Thomas,

S. B. No. 293; Making appropriations for the year 1859, with the amendments, was taken from the table.

The question then being on agreeing to the amendment of Mr. Taylor to House amendment, (providing for the overdrafts,)

The yeas and nays were ordered and resulted—yeas 15, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cass, Corwine, Gard, Gatch, Henkle, Holloway, McCleary, Miles, Schleich, Slade, Taylor, and Winans—15.

Those who voted in the negative were—

Messrs Cantwell, Chapman, Hatch, Kincaid, Langdon, Morrow, Murdock, Perrill, Phelps, Safford, Shideler, Thomas, Vanatta and Westcott—14.

So said amendment to the amendment was agreed to.

The question then being on agreeing to part of said amendments to House amendments, viz: No. 4, 9, 11, 15, 16, 18, 19, and 28,

The yeas and nays were ordered and resulted—yeas none, nays 31, as follows:

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perrill, Phelps, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—31.

So said amendments were disagreed to.

The question then being on agreeing to the 14th House amendment,

The yeas and nays were ordered, and resulted—yeas 24, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cass, Gard, Gatch, Hatch, Henkle, Holloway, Kin

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caid, Langdon, McCleary, Miles, Morrow, Murdock, Perrill, Phelps, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Westcott and Winans—24.

Those who voted in the negative were—

Messrs. Buckland, Cantwell, Chapman, Corwine, Reid, Safford and Vanatta—7.

So said amendment was agreed to.

The question then being on agreeing to House amendments, as numbered, viz: Nos. 5, 6, 7, 8, 10, 12, 13, 20, 21, 22, 23, 25, 26, 27, 29 and 30, as amended by the Senate amendments thereto,

The yeas and nays were ordered and resulted—yeas 24, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Miles, Morrow, Phelps, Shideler, Slade, Smith, Taylor, Vanatta, Westcott and Winans—24.

Those who voted in the negative were—

Messrs. Langdon, McCleary and Safford—3.

So said amendments, as amended, were agreed to.

The question then being on agreeing to House amendment number 17,

The yeas and nays were ordered, and resulted—yeas 7, nays 22, as follows:

Those who voted in the affirmative were—

Messrs. Cass, Chapman, Corwine, Miles, Morrow, Murdock and Reid—7.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Perkey, Perrill, Phelps, Safford, Shideler, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—22.

So said amendment was disagreed to.

The question then being on agreeing to House amendment No. 3,

The yeas and nays were ordered and resulted—yeas 14, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Green, Hatch, Kincaid, Langdon, Miles, Phelps, Slade, Smith, Taylor and Westcott—14.

Those who voted in the negative were—

Messrs. Cass, Chapman, Corwine, Gard, Gatch, Henkle, Holloway, McCleary, Morrow, Reid, Safford, Shideler, Vanatta and Winans—14.

There being a tie vote, the President voted in the affirmative.

So said amendment was agreed to.

The President laid before the Senate a special message from the Governor, transmitting a report of pardons, &c., which was laid on the table and ordered to be printed, and also printed in the Appendix to the Senate Journal.

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Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 302; Prescribing the duties of county auditors, with amendments, in which the concurrence of the Senate is requested.

The House has also passed

S. J. R. No. 90; Authorizing the Attorney General to receive a conveyance of and to sell certain lands in the State of Illinois belonging to John G. Brealin.

Attest: JOHN W. KERR, Clerk.

On motion, said bill, No. 302, was referred to the select committee on the review of the tax law.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 85; Relative to printing report of the Treasury Investigating Commission, with an amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

Said House amendment was agreed to.

Message from the House of Representatives.

Mr. President:

The House accedes to the request of the Senate for the return of

H. B. No. 234; To allow the city of Toledo to borrow money for certain purposes therein named,

And herewith returns the same.

Attest: JOHN W. KERR, Clerk.

The question then being on agreeing to the report of the committee of conference on the disagreement between the two Houses on said bill,

The yeas and nays were ordered, and resulted—yeas 9, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Gard, Gatch, Green, Reid, Slade, Thomas and Winans—9.

Those who voted in the negative were—

Messrs. Canfield, Chapman, Hatch, Henkle, Holloway, Langdon, Morrow, Murdock, Phelps, Safford, Shideler, Schleich, Smith, Taylor and Westcott—15.

So said report was not agreed to.

Mr. Phelps, from a select committee, reported back

S. B. No. 302; Prescribing the duties of county auditors,

With the House amendments.

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The question then being on agreeing to said House amendments,

The yeas and nays were ordered and resulted—yeas 26, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Corwine, Gard, Gatch, Green, Hatch, Holloway, Kincaid, Langdon, Morrow, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas and Vanatta—26.

Those who voted in the negative were—

Messrs. Westcott and Winans—2.

So said amendments were agreed to.

Mr. Reid, asked and obtained leave to record his vote on the Senate amendment to the House amendments to the general appropriation concerning the over drafts on the Treasury, and being called, voted "no."

Mr. Hatch, from a select committee, reported back

S. B. No. 103; To amend the first section of an act entitled an act fixing the salaries of certain State officers,

And recommended that the same be postponed until the first Monday in January, 1860; which was agreed to.

Mr. Perrill, from the standing committee on Municipal Corporations, reported back

H. B. No. 500; To repeal an act supplementary to the act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

The question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Green, Henkle, Langdon, McCleary, Miles, Murdock, Perrill, Phelps, Reid, Safford, Schleich, Slade, Smith, Thomas, Westcott and Winans—16.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Hatch, Holloway, Kincaid, Morrow, Shideler, Taylor and Vanatta—16.

So said bill, not having received a constitutional majority, was lost.

On motion of Mr. Hatch, it was

Resolved, That the acting State House Commissioner and Architect are hereby forbid the construction of a passage between the Senate chamber and Clerk's room, as contemplated by the estimate in the special report of said commissioner to the General Assembly of the 24th February, 1859, and that a copy hereof be sent to the office of said commissioner.

Mr. Miles, from a select committee, reported back

S. B. No. 283; To amend section 45 of the act entitled "an act for the reorganization, supervision and maintenance of common schools," passed March 1, 1853,

And said bill was postponed until the first Monday in January, 1860.

Mr. Smith, from a select committee, reported back a petition relative to woman's rights, and asked to be discharged from the same, which was agreed to.

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Mr. Smith, from a select committee, reported back

S. J. R; Relative to instructions concerning the judicial system of the State.

Laid on the table.

The President laid before the Senate a communication from the Governor transmitting certain nominations.

Referred to the standing committee on Executive Nominations.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 91; Relative to assets of John G. Breslin, received from the Treasury Investigating Commission.

S. B. No. 284; To authorize city councils in cities of the first class, having a population of less than eighty thousand, and more than thirty-five thousand, to appoint inspectors of provisions and other articles.

Attest: JOHN W. KERR, Clerk.

On motion, the Senate adjourned until 8 o'clock A. M., on Monday.

Attest: C. W. BLAIR, Clerk.

MONDAY, APRIL 4, 1859.

Mr. Reid offered for adoption the following resolution:

Resolved by the Senate and House of Representatives, That this General Assembly will adjourn *sine die* on the 6th day of April, inst., at 12 o'clock M. of said day; and that H. J. R. No. 65, heretofore passed by this General Assembly, be, and the same is hereby rescinded.

On which resolution, the yeas and nays were demanded, and being ordered, resulted—yeas 22, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Green, Henkle, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Westcott and Winans—22.

Those who voted in the negative were—

Messrs. Corwine, Gard, Gatch, Holloway, Kincaid, McCleary, Safford and Vanatta—8.

So said resolution was agreed to.

Message from the House of Representatives.

Mr. President:

The House insists on all its amendments to

S. B. No. 293; Making appropriations for the year 1859,

And disagrees to Senate amendment to House amendments to the same.

Attest; JOHN W. KERR, Clerk.

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On motion of Mr. Phelps,

The Senate insisted upon its amendment, and its disagreement to House amendments, and asked a committee of conference.

Message from the House of Representatives.

Mr. President:

The House has appointed Messrs. Mott, Monroe and Leete, as the committee of conference on

S. B. No. 288; Making appropriations for the payment of interest on the State debt, the payment of a portion of the principal thereof, and the payment of the commissioners of the sinking fund.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has agreed to the report of the committee of conference on the disagreement between the two Houses on

H. B. No. 326; Defining the jurisdiction of probate courts in criminal cases, in the counties of Pike, Portage, Jackson, Clermont, Carroll, Gallia, Butler, Lucas, Hocking, Defiance and Columbiana.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 98; Relative to printing extra copies of the federal court resolutions.

Attest: JOHN W. KEES, Clerk.

On motion, said resolution was referred to the standing committee on Public Printing.

Message from the House of Representatives.

Mr. President:

The House has acceded to the request of the Senate for the return of

H. J. R. No. 74; Relative to an amendment to the constitution providing for annual sessions of the General Assembly.

Attest: JOHN W. KEES, Clerk.

On motion, said resolution was laid on the table.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 93; Authorizing the Auditor of State to sell a locomotive belonging to the State, and

S. B. No. 313; To provide for the payment of the expenses of reappraising real estate for the year 1859;

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And has refused to concur in Senate amendments to

H. B. No. 408; To repeal the sixth, seventh and eighth sections of the act entitled an act to incorporate the several turnpike companies therein named, in Green county.

Attest: JOHN W. KNOX, Clerk.

On motion of Mr. Winans,

The Senate insisted upon its amendments.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 1; To provide for the sale or lease of estates tail in certain cases.

Attest: JOHN W. KNOX, Clerk.

Mr. Safford, from the standing committee on Public Printing, reported back

H. J. R. No. 98; Relative to printing extra copies of the federal court resolutions.

On motion, said resolution was laid on the table.

Mr. Winans, from a select committee, reported back

H. B. No. 283; Providing for the relief of the surviving lessees of the National Road, and for the further management of said road, with a report upon the subject, which was ordered to be printed in Appendix to Senate Journal, and with sundry amendments to said bill, which were agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read the third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 23, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Corwine, Gard, Green, Hatch, Henkle, Holloway, Kincaid, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Shideler, Schleich, Slade, Smith, Vanatta, Westcott and Winans—23.

Those who voted in the negative were—

Messrs. Buckland, Canfield, Chapman, Gatch, Langdon, McCleary, Miles, Reid, Safford and Thomas—10.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 94; Relative to apportionment of the treasury defalcation, and

S. J. R. No. 98; Relative to a *sine die* adjournment.

Attest: JOHN W. KNOX, Clerk.

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Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to title of

H. B. No. 383; To repeal an act therein named, and has refused to agree to Senate amendments to

H. B. No. 436; To amend an act for the re-organization, supervision and maintenance of common schools, passed March 1, 1853.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Safford,

The Senate insisted upon its amendments to H. B. No. 436, and asked a committee of conferrence on the disagreement between the two houses.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill and requests the currence of the Senate in the same:

H. B. No. 508; To repeal an act passed April 11, 1856, entitled an act supplementary to an act entitled an act to authorize free banking in Ohio, passed March 21, 1851.

Attest: JOHN W. KERR, Clerk.

Mr. Langdon moved that the constitutional rule be suspended so as to allow said bill to be read a second and third time,

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 17, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Langdon, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—17.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Gard, Gatch, Green, Holloway, McCleary, Miles, Slade, Taylor and Winans—12.

So said motion was not agreed to.

Message from the House of Representatives.

Mr. President:

The House accedes to the request of the Senate for a committee of conference on the disagreement between the two houses on

S. B. No. 293; Making appropriations for the year 1859; and has appointed Messrs. Mott, Parr and Gardner as said committee on the part of the House.

Attest: John W. KERR, Clerk.

Messrs. Hatch and Taylor were appointed said committee on the part of the Senate.

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Mr. Reid, on leave, introduced a bill:

S. B. No. 316; To amend section 1 of an act passed March 31, 1859, supplemental to an act entitled an act defining the jurisdiction of probate courts in the counties of Lucas and Erie, passed April 12, 1858, and to extend the operations of said act to the counties of Meigs and Mercer, which was read the first time.

On motion, the constitutional rule was suspended, and said bill was ordered to be read a second and third time now.

Said bill was then read a second time, engrossed at the clerk's desk and read the third time.

The question then being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Phelps, Reid, Safford, Shideler, Schleich, Smith, Taylor, Thomas and Westcott—28.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House accedes to the request of the Senate for a committee of conference on the disagreement between the two houses on

H. B. No. 436; To amend an act for the re-organization, supervision and maintenance of common schools, passed March 14, 1853, and has appointed Messrs. Morse, Seney and Monroe as said committee on the part of the House.

The House has also refused to pass

S. B. No. 265; Supplementary to the act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

Attest: JOHN W. KERR, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 96; Relative to construction of a new penitentiary; and

S. B. No. 204; To prevent the recovery of damages on protested bills of exchange, and to repeal section 1 of an act entitled "an act ascertaining damages on protested bills of exchange," passed February 15, 1831.

And has disagreed to Senate amendments to

H. B. No. 468; To repeal the 6th, 7th and 8th sections of the act entitled an act to incorporate the several turnpike companies therein named in Green county.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Winans,

The Senate adhered to its amendments to said bill.

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On motion of Mr. Phelps,

A call of the Senate was had, and 27 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

Message from the House of Representatives.

Mr. President:

The House has reconsidered the vote by which it indefinitely postponed

S. B. No. 265; Supplementary to the act to provide for the organization of cities and incorporated villages, passed May 3, 1852,

And has passed the same; and has passed

S. B. No. 316; To amend section 1 of an act passed March 31, 1859, supplementary to an act entitled an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, &c.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill, and requests the concurrence of the Senate in the same:

H. B. No. 505; To amend an act passed March 20, 1851, entitled an act incorporating the Xenia Mutual Insurance Company,

And has passed

S. B. No. 303; To provide for the election of township assessors, and to prescribe their duties.

Attest: JOHN W. KEES, Clerk.

Said House bill was read the first time.

On motion of Mr. Phelps,

The constitutional rule was suspended, so as to allow said bill to be read a second time now.

Said bill was then read a second time, and referred to a select committee of three—Messrs. Hatch, Thomas and Langdon.

On motion of Mr. Phelps,

The Senate went into secret session on the Executive nominations.

Mr. Phelps, from the standing committee on Executive Nominations, reported back the nomination of Fergus Anderson, of Butler county, Ohio, as a Trustee of the Miami University.

The question then being on advising and consenting to said nomination,

The yeas and nays were ordered, and resulted—yeas 34, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard,

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Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—34.

So the Senate advised and consented to said nomination.

Also, the nomination of Asher Cook, as Trustee for Ohio State Asylum for Idiots.

The question then being on advising and consenting to said nomination,

The yeas and nays were ordered, and resulted—yeas 34, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—34.

So the Senate advised and consented to said nomination.

Also, the nomination of James H. Coulter, of Franklin county, and C. W. Potwin, of Muskingum county, as Trustees for the Ohio Institution for the Deaf and Dumb.

The question then being on advising and consenting to said nominations,

The yeas and nays were ordered, and resulted—yeas 34, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—34.

So the Senate advised and consented to said nominations.

Also, the nomination of Isaac Bryte, of Cuyahoga county, and John Hunter, of the same, as Trustees for the Northern Lunatic Asylum.

The question then being on advising and consenting to said nomination,

The yeas and nays were ordered, and resulted—yeas 34, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—34.

So the Senate advised and consented to said nominations.

Also, the nomination of Calvary Warren, of Athens county, as trustee of Ohio University, at Athens, Ohio.

The question then being on advising and consenting to said nomination,

The yeas and nays were ordered, and resulted—yeas 34, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—34.

So the Senate advised and consented to said nomination.

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Also, the nomination of Edward Jordan, of Portsmouth, Ohio, as Trustee of the State Asylum for the Blind.

The question then being on advising and consenting to said nomination,

The yeas and nays were ordered, and resulted—yeas 34, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—34.

So the Senate advised and consented to said nomination.

Also, the nomination of William Fullerton, of Ross county, as Trustee of Central Ohio Lunatic Asylum.

The question then being on advising and consenting to said nomination,

The yeas and nays were ordered, and resulted—yeas 34, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—34.

So the Senate advised and consented to said nomination.

Also, the nomination of Charles Breyfogle and Adam C. Hanes of Franklin county, as Directors of the Ohio Penitentiary.

The question then being on advising and consenting to said nomination,

The yeas and nays were ordered and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—33.

So the Senate advised and consented to said nomination.

Also, from a majority of the committee on Executive Nominations, the nomination of Cyrus Mendenhall, as Director of the Ohio Penitentiary, and recommended that the Senate do not advise and consent to said nomination.

The question then being on advising and consenting to said nomination,

The yeas and nays were ordered and resulted—yeas 12, nays 21, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Gard, Gatch, Green, Henkle, Holloway, McCleary, Miles, Slade and Taylor—12.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith Thomas, Vanatta and Westcott—21.

So the Senate did not advise and consent to said nomination.

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Also, the nomination of William A. Platt, of Franklin county, as Acting Commissioner, and James S. Worthington of Ross county, and L. G. Harkness of Huron county, Advisory Commissioners of the New State House.

The question then being on advising and consenting to said nominations.

The yeas and nays were ordered and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Corwine, Gard, Gatch, Hatch, Henkle, Kincaid, Langdon, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor Thomas, Vanatta, Westcott and Winans—30.

So the Senate advised and consented to said nominations.

Also, the nomination of William Warren, of Licking county, as Trustee of Central Ohio Lunatic Asylum.

The question then being on advising and consenting to said nomination,

The yeas and nays were ordered and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—33.

So the Senate did advise and consent to said nomination.

Mr. Phelps, from the standing committee on the Judiciary, reported back

H. B. No. 155; Supplementary to an act providing for the punishment of crime, passed March 7, 1835.

The question then being on ordering said bill to be read a third time, the same was decided in the affirmative.

Said bill was then ordered to be read the third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 24, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Henkle, Holloway, McCleary, McKelly, Miles, Murdock, Phelps, Reid, Shideler, Slade, Taylor, Westcott and Winans—24.

Those who voted in the negative were—

Messrs. Langdon, Morrow, Perrill, Safford, Schleich, Smith, Thomas and Vanatta—8.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Green,

The Senate took a recess until 3 o'clock P. M.

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THREE O'CLOCK P. M.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 77; Relative to printing the 17th, 18th, and 19th volumes of Ohio Reports.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. B. No. 442; To establish a uniform standard of weights and measures.

And has also passed

H. J. R. No. 101; Relative to the chief clerk of the two Houses making indexes, reading proof, &c., after the adjournment of the General Assembly.

Attest: JOHN W. KEES, Clerk.

The question then being on agreeing to said resolution,

The yeas and nays were ordered, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Chapman, Corwine, Gard, Gatch, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Slade, Smith, Thomas, Vanatta, Westcott and Winans—27.

So said resolution was agreed to.

Mr. Canfield, from a select committee, reported back

S. B. No. 171; To improve evidence in certain cases.

Laid on the table.

Also, H. B. No. 204; To amend an act securing to married women such personal property as may be exempt from execution, and also enabling them to control their own earnings and that of their minor children in certain cases, passed April 17, 1857,

And said bill was laid on the table.

Message from the House of Representatives.

Mr. President:

The Speaker of the House has signed the following bills and joint resolutions, and the same are now ready for the signature of the President of the Senate:

H. B. No. 316; To authorize the trustees of Jackson township, in Muskingum county, to sell a certain lot in the town of Frazeesburgh.

H. B. No. 326; Defining the jurisdiction of probate courts in criminal cases in the counties of Pike, Portage, Jackson, Clermont, Carroll, Gallia, Butler, Lucas, Hocking, Defiance, Brown, Lorain, Coshocton and Columbiana.

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S. B. No. 302; Prescribing the duties of county auditors.

S. B. No. 284; To authorize city councils in cities of the first class, having a population of less than 80,000 and more than 35,000, to appoint inspectors of provisions and other articles.

S. B. No. 300; To provide for the enlargement of the Ohio Penitentiary.

S. B. No. 294; Making appropriations in part for the first quarter of the year 1860.

S. J. R. No. 93; Authorizing the Auditor of State to sell a locomotive belonging to the State.

S. J. R. No. 91; Relative to assets of John G. Breslin, received from the Treasury Investigating Commission.

S. J. R. No. 87; Relative to broken bank and counterfeit money in the Treasury.

S. J. R. No. 98; Relative to a *sine die* adjournment.

S. J. R. No. 90; Authorizing the Attorney General to receive a conveyance of, and to sell certain lands in the State of Illinois, belonging to John G. Breslin.

S. J. R. No. 85; Relative to printing reports of the Treasury Investigating Commission in advance of other printing.

Attest: JOHN W. KEES, Clerk.

The President of the Senate then signed the foregoing bills and joint resolutions, as required by the constitution, in the presence of the Senate.

Message from the House of Representatives.

Mr. President:

The House recedes from its disagreement to Senate amendments to

H. B. No. 468; To repeal the 6th, 7th and 8th sections of the act entitled an act to incorporate the several turnpike companies therein named in Green county,

And agrees to said Senate amendments.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The House agrees to Senate amendments to

H. B. No. 483; Providing for the relief of the surviving lessees of the National Road, and for the future management of said road.

And has passed

S. B. No. 304; To amend an act entitled an act to provide for the partition of real estate.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. *President:*

The House has passed

S. B. No. 282; To provide more effectually for the safe keeping of the securities deposited by banks, and for the redemption of their notes,

With amendments, in which the concurrence of the Senate is requested.

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Also passed

H. B. No. 514; A bill defining the jurisdiction of probate courts in Madison county,

In which the concurrence of the Senate is requested.

And has passed

S. B. No. 296; To amend the second section of an act entitled an act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein, passed March 10, 1857,

With amendments, in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

The question then being on agreeing to the amendments to S. B. No. 282,

The yeas and nays were ordered, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Chapman, Corwine, Gard, Gatch, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perrill, Phelps, Reid, Shideler, Schleich, Slade, Smith, Thomas, Vanatta, Westcott and Winans—27.

So said amendments were agreed to.

H. B. No. 514; Defining the jurisdiction of probate courts in Madison county,

Was read the first time, and the constitutional rule being suspended for that purpose, said bill was ordered to be read a second and third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Chapman, Corwine, Gard, Gatch, Henkle, Holloway, Kincaid, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Slade, Smith, Thomas, Vanatta, Westcott and Winans—27.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Said S. B. No. 296 was referred to a select committee of one—Mr. Langdon.

The President laid before the Senate a communication from the Governor, transmitting certain Executive nominations.

Referred to the standing committee on Executive Nominations.

Mr. Langdon, from a select committee, reported back

S. B. No. 296; To amend the 2d section of an act entitled an act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein, passed March 10, 1857, with the pending House amendments.

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The question then being on agreeing to said House amendment,

The yeas and nays were ordered and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Corwine, Henkle, Kincaid, Langdon, McCleary, McKelly, Miles, Murdock, Phelps, Reid, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta and Westcott—21.

So said amendments were agreed to.

Mr. Chapman moved to reconsider the vote by which

H. B. No. 504; To prohibit the commissioners of Perry county from levying or collecting any tax to repair or purchase the county buildings at Somerset, Perry county, Ohio, was lost on its passage.

Mr. Vanatta moved a call of the Senate, and 24 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

Mr. Meid moved to lay that motion to reconsider upon the table, which was agreed to.

On motion of Mr. Slade,

The Senate took a recess until 7½ o'clock, P. M.

HALF-PAST SEVEN O'CLOCK, P. M.

On motion of Mr. Reid,

H. J. R. No. 98; Relative to printing extra copies of the federal court resolutions, was taken from the table.

The question then being on agreeing to said resolution,

Mr. Phelps moved to amend the same by striking out these words, "and against the federal constitution," which was agreed to.

Said resolution, as amended, was then agreed to.

On motion, a call of the Senate was had, and 27 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills and the same are now ready for the signature of the President of the Senate:

S. B. No. 316; To amend section 1 of an act passed March 31, 1857, supplementary to an act entitled an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson, passed April 12, 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry, Licking, Belmont, Stark and Williams.

H. B. No. 514; Defining the jurisdiction of the probate court of Madison county in criminal cases.

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H. B. No. 483; Providing for the relief of the surviving lessees of the National Road, and the future management of the said road.

Attest: JOHN W. KEES, Clerk.

The President of the Senate then signed the foregoing bills, as required by the constitution, in the presence of the Senate.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following bills and joint resolutions, and the same are now ready for the signature of the President of the Senate:

S. B. No. 313; To provide for the payment of the expenses of re-appraising real estate for the year 1859.

H. B. No. 383; To amend section 1 of an act for the confinement of persons under the authority of the United States in the jails of this State, passed Dec. 20, 1826, and to repeal section 2 of said act.

S. B. No. 214; To prevent the recovery of damages on protested bills of exchange, and to repeal section 1 of an act entitled "an act ascertaining damages on protested bills of exchange," passed February 15, 1831.

S. J. R. No. 94; Relative to apportionment of the treasury defalcation.

S. J. R. No. 96; Relative to construction of a new penitentiary.

S. B. No. 303; To provide for the election of township assessors and to prescribe their duties.

S. B. No. 1; To provide for the sale or lease of estates tail in certain cases.

S. B. No. 153; Conferring certain powers on and prescribing certain duties of the Board of Public Works.

S. J. R. No. 77; Relative to printing the 17th, 18th and 19th volumes of Ohio Reports.

S. B. No. 304; To amend an act entitled "an act to provide for the partition of real estate.

H. B. No. 155; Supplementary to an act providing for the punishment of crimes, passed March 7, 1835.

H. J. R. No. 101; Relative to the chief clerks of the two houses making indexes, reading proof, &c., after the adjournment of the General Assembly.

Attest: JOHN W. KEES, Clerk.

The President of the Senate then signed the foregoing bills and resolutions, as required by the constitution, in the presence of the Senate.

Message from the House of Representatives.

Mr. President:

The House has passed the following bill and requests the concurrence of the Senate in the same:

H. B. No. 506; To amend the 10th section of an act defining the jurisdiction

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and regulating the practice of probate courts, passed March 14, 1853, took effect July 1, 1853.

Attest: JOHN W. KERR, Clerk.

Said bill was read the first time, and the constitutional rule being suspended for that purpose, was ordered to its second and third readings now.

Said bill was then read the second and third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Chapman, Corwine, Gard, Gatch, Green, Hatch, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Perrill, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—29.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Hatch, from a majority of a joint select committee of conference, reported back

S. B. No. 293; Making appropriations for the year 1859, with the Senate and House amendments thereto, and recommended that the Senate recede from its disagreement to the said House amendments, and also from the amendment of the Senate to said House amendments.

Mr. Hatch demanded a call of the Senate; which was had, and 29 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

The question then being on agreeing to the report of the joint committee of conference on the disagreement between the two houses on

S. B. No. 293; Making appropriations for the year eighteen hundred and fifty-nine (1859;)

After debate, Mr. Slade was called to order for having spoken more than twice on the same question; and

Mr. Winans moved that the Senator from Cuyahoga have leave to proceed.

On which motion the yeas and nays were ordered, and resulted—yeas 28, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Corwine, Gard, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Taylor, Thomas, Vanatta, Westcott and Winans—28.

Those who voted in the negative were—

Messrs. Cantwell, Cass, Chapman and Smith—4.

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So the motion prevailed, and Mr. Slade had leave to proceed.

After further debate,

The question recurring on agreeing to the report of the committee of conference,

The yeas and nays were demanded, and being ordered, resulted—yeas 20, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Corwine, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—20.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Gard, Gatch, Green, Henkle, McCleary, Miles, Slade, Taylor and Winans—12.

So said report was agreed to, and the Senate receded from its amendment, appropriating money to pay overdrafts on the State Treasury, and also from its disagreement to the House amendments to said bill.

Mr. Hatch asked leave to introduce a bill.

On which the yeas and nays were demanded, and being ordered, resulted—yeas 18, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Canfield, Cantwell, Chapman, Corwine, Hatch, Kincaid, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Safford, Shideler, Schleich, Smith, Vanatta and Westcott—18.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Gard, Gatch, Henkle, Miles, Reid, Slade, Taylor, Thomas and Winans—11.

So Mr. Hatch had leave to introduce a bill. He then introduced

S. B. No. 317; Making additional appropriations for the year 1859, and said bill was read the first time.

Mr. Hatch moved a suspension of the rules, so that said bill might be read a second time.

On which motion, the yeas and nays were demanded, and being ordered, resulted—yeas 25, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Chapman, Corwine, Green, Hatch, Henkle, Kincaid, Langdon, McKelly, Miles, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—25.

Those who voted in the negative were—

Messrs. Gard, Gatch, Perrill, Slade, Taylor and Winans—6.

So said bill was ordered to be read a second time.

Said bill was then read a second time, and the constitutional rule being suspended for that purpose, was ordered to be read a third time now.

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Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Chapman, Corwine, Gatch, Green, Hatch, Henkle, Kincaid, Langdon, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Thomas, Vanatta, Westcott and Winans—28.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Reid,

The Senate adjourned.

Attest: C. W. BLAIR, Clerk.

TUESDAY, April 5, 1859.

H. B. No. 508; To repeal an act passed April 11, 1856, supplemental to an act "to authorize free banking in Ohio," passed March 21, 1851,

Was read a second time.

Mr. Taylor moved to amend by adding the following proviso to end of section 1:

Provided, that the repeal shall not affect any act heretofore done, or the validity of any deposit of certificates as security, made under the provisions of the act hereby repealed; which was agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill (the constitutional rule being suspended for that purpose) was then ordered to be read a third time now.

On motion, a call of the Senate was had, and 27 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 21, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Corwine, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—21.

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Those who voted in the negative were—

Messrs. Ashmun, Canfield, Gard, Gatch, Henkle, McCleary, Miles, Taylor and Winans—9.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Taylor, it was

Resolved, That the clerks of the Senate be allowed for two days extra, each, as compensation for night services in bringing up the journal, enrolling bills, &c., to be paid on the certificate of the President of the Senate.

Mr. Thomas, from a select committee reported back

H. B. No. 505; To amend an act passed March 20, 1851, entitled "an act incorporating the Xenia Mutual Insurance Company.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 20, nays 9, as follows:

Those who voted in the affirmative were—

Messrs Ashmun, Canfield, Cantwell, Cass, Corwine, Gard, Hatch, Kincaid, Morrow, Murdock, Perkey, Phelps, Safford, Schleich, Slade, Smith, Thomas, Vanatta, Westcott and Winans—20.

Those who voted in the negative were—

Messrs. Chapman, Gatch, Henkle, Langdon, McCleary, Miles, Perrill, Shideler and Taylor—9.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

The President laid before the Senate a communication from the Governor, by the hands of his Private Secretary, A. M. Gangewer, Esq., transmitting certain Executive nominations.

Referred to the standing committee on Executive Nominations.

Mr. Phelps, from the Judiciary committee, reported back

H. B. No. 461; To relieve the sureties of administrators or executors,

With amendments, which were agreed to.

The question then being on ordering said bill to be read a third time, the same was agreed to.

Said bill was then ordered to be read a third time now.

Said bill was then read the third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 18, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Chapman, Corwine, Gatch, Hatch, Kin-

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caid, McKelly, Murdock, Perkey, Phelps, Reid, Safford, Shideler, Schleich, Thomas and Vanatta—18.

Those who voted in the negative were—

Messrs. Canfield, Cass, Langdon, McCleary, Miles, Perrill, Slade, Smith, Westcott and Winans—10.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House has refused to pass

S. B. No. 204; Supplementary to an act entitled "an act supplementary to an act entitled an act prescribing the duties of supervisors, and relating to roads and highways," passed February 13, 1853, and to repeal an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed April 8, 1856; also, prescribing the duties of county commissioners, county auditors and supervisors; also, to repeal certain other acts therein named, passed April 12, 1858.

Attest: JOHN W. KERR, Clerk.

Mr. Westcott, from the standing committee on Claims, reported back

S. B. No. 166; For the relief of Thatcher Lewis,

And said bill was indefinitely postponed.

Mr. Slade moved to take from the table the motion to reconsider the vote by which the Senate refused to agree to House amendments to

S. J. R. No. 74; Providing for an amendment to the constitution providing for annual sessions,

Which was agreed to.

Mr. Slade demanded a call of the Senate, which was had, and 30 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

The question then being on the motion to reconsider, the same was agreed to.

The question then being on agreeing to said House amendment,

The yeas and nays were ordered, and resulted—yeas 21, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cass, Chapman, Gard, Gatch, Green, Hatch, Kincaid, McKelly, Miles, Perkey, Perrill, Safford, Shideler, Slade, Smith, Taylor, Vanatta, Westcott and Winans—21.

Those who voted in the negative were—

Messrs. Cantwell, Corwine, Langdon, McCleary, Morrow, Murdock, Phelps, Reid and Schleich—9.

So said amendment was agreed to.

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Mr. Morrow, from a select committee, reported back

H. B. No. 436; To amend an act for the reorganization, supervision and maintenance of common schools, passed March 14, 1831,

Substituting certain amendments for the pending amendment.

On which question, the yeas and nays were ordered, and resulted—yeas 20, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Chapman, Corwine, Gard, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perrill, Phelps, Shideler, Schleich, Slade, Smith, Taylor, Vanatta and Westcott—20.

Mr. Miles voted in the negative.

So said report was agreed to.

Mr. Slade, on leave, introduced a bill:

S. B. No. 318; Relating to a certain proposed amendment to the constitution, and the publication of this act,

Which was read the first time.

On motion, the constitutional rule was suspended, and said bill was ordered to its second and third readings now.

Said bill was then read a second and third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered, and resulted—yeas 25, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Chapman, Gard, Gatch, Green, Hatch, Kincaid, McKelly, Miles, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—25.

Those who voted in the negative were—

Messrs. McCleary, Morrow and Murdock—3.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The House has agreed to the report of the joint conference committee on

S. B. No. 288; Making appropriations for the payment of the interest of the State debt, the payment of a portion of the principal thereof, and the payment of the expenses of the Board of Commissioners of the Sinking Fund.

And has passed

S. B. No. 317; Making additional appropriations for the year 1859.

Attest: JOHN W. KEES, Clerk.

On motion, the Senate took a recess until 3 o'clock P. M.

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THREE O'CLOCK P. M.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 293; Making appropriations for the superintendence and repairs of the public works for the year 1859, and the first quarter of the year 1860,

With amendments, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

On motion, said bill was laid on the table.

On motion of Mr. Phelps,

The Senate went into secret session on Executive nominations.

Mr. Phelps, from the standing committee on Executive Nominations, reported back the nomination of John Taylor, of Defiance county, as Director of the Ohio Penitentiary.

The question then being on advising and consenting to said nomination,

The yeas and nays were ordered, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Cass, Chapman, Corwine, Gard, Green, Henkle, Kincaid, Langdon, McCleary, Miles, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta, Westcott and Winans—25.

So the Senate advised and consented to said nomination.

Also, the nomination of Charles R. Pierce, of Summit county, as Trustee of the Northern Lunatic Asylum.

The question then being on advising and consenting to said nomination,

The yeas and nays were ordered and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Cass, Chapman, Corwine, Gard, Green, Hatch, Henkle. Kincaid, Langdon, McCleary, Miles, Murdock, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Thomas, Vanatta, Westcott and Winans—27.

So the Senate advised and consented to said nomination.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 98; Relative to purchase of horses, mules, &c., from Forer, Burt & Co.

S. J. R. No. 97; Relative to claim of George Rinehart.

And has indefinitely postponed

S. B. No. 247; To suspend the operation of the 58th section of an act to provide

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for the organization, supervision and maintenance of common schools, passed March 11, 1853.

Attest: JOHN W. KEES, Clerk.

Message from the House of Representatives.

Mr. President:

The Speaker of the House has signed the following enrolled bills, and the same are now ready for the signature of the President of the Senate:

S. B. No. 282; To provide more effectually for the safe keeping of the securities deposited by banks and for the redemption of their notes.

S. B. No. 231; To amend sections 6, 15, 25 and 27 of the act entitled an act to further provide for the better regulation of the receipt, disbursement and safe keeping of the public revenue.

S. B. No. 265; Supplementary to the act to provide for the organization of cities and incorporated villages.

Attest: JOHN W. KEES, Clerk.

The President of the Senate then signed the foregoing bills, as required by the constitution, in the presence of the Senate.

Message from the House of Representatives.

Mr. President:

The House has acceded to the request of the Senate for a committee of conference on the disagreement between the two houses on

H. B. No. 358; To authorize county commissioners to alter or change the boundaries of election precincts,

And has appointed Messrs. Saffin, Thompson and Broom as said committee on the part of the House.

Attest: JOHN W. KEES, Clerk.

The President of the Senate then appointed Messrs. Reid and Hatch as said committee of conference on the part of the Senate.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. B. No. 107; Regulating the mode of assignments in trust for the benefit of creditors; and to

H. B. No. 427; Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852.

And refuses to agree to Senate amendments to

H. B. No. 492; To amend sections 8, 9 and 10 of an act to relieve the district courts and to give greater efficiency to the judicial system of the State, passed April 12, 1858.

Also, passed

S. B. No. 314; To provide for the re-appraisment of school lands in Perry county.

Attest: JOHN W. KEES, Clerk.

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On motion of Mr. Schleich,

The Senate asked a committee of conference on the disagreement between the two houses on

H. B. No. 492; To amend section 8, 9 and 10 of an act to relieve the district courts and to give greater efficiency to the judicial system of the State, passed April 12, 1858.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 86; To authorise a settlement with the Ohio Life Insurance and Trust Company, with an amendment, in which the concurrence of the Senate is requested.

The House has also passed

S. B. No. 215; Further to prevent the taking of usurious interest on the part of banks, and to prevent confession of judgments on warrants of attorney in favor of banks.

Attest: JOHN W. KERR, Clerk.

On motion, said resolution was referred to the standing committee on Finance.

Mr. Hatch, from the standing committee on Finance, reported back

S. J. R. No. 86; To authorize a settlement with the Ohio Life Insurance and Trust Company, with the pending House amendment.

The question then being on agreeing to said House amendment,

The yeas and nays were ordered, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Chapman, Corwine, Gatch, Hatch, Henkle, Kincaid, Langdon, Miles, Morrow, Murdock, Perkey, Perrill, Safford, Shideler, Schleich, Taylor, Thomas, Vanatta, Westcott and Winans—22.

So said amendments were agreed to.

On motion of Mr. Taylor,

S. B. No. 293; Making appropriations for the superintendence and repairs of the public works for the year 1859, and the first quarter of the year 1860, with the pending House amendments, was taken from the table.

Mr. Langdon moved that said bill, with the pending amendments, be referred to the standing committee on Public Works, which was agreed to.

Message from the House of Representatives.

Mr. President:

The House has concurred in Senate amendments to

H. B. No. 508; To repeal an act passed April 11, 1856, entitled an act supplementary to an act entitled "an act to authorize free banking in Ohio," passed March 21, 1851.

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Kincaid,

The Senate took a recess until 7½ o'clock, P. M.

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HALF-PAST SEVEN O'CLOCK, P. M.

Mr. Canfield, on leave, introduced a bill:

S. B. No. 319; For the relief of the stockholders and creditors of the Cleveland, Medina and Tuscarawas Railroad Company, which was read the first time.

On motion, the constitutional rule was suspended, and said bill was ordered to be read a second time now.

Said bill was then read a second time, and the question being on ordering said bill to be engrossed, the same was agreed to.

Said bill was then engrossed at the clerk's desk (the constitutional rule being suspended,) and ordered to be read a third time now.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 20, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Canfield, Cantwell, Chapman, Corwine, Gard, Gatch, Green, McCleary, McKelly, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Slade, Taylor, Thomas and Vanatta—20.

Those who voted in the negative were—

Messrs. Hatch and Langdon—2.

So said bill, having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. President:

The Speaker of the House has signed the following enrolled bills and joint resolutions, and the same are now ready for the signature of the President of the Senate:

H. B. No. 505; To amend an act passed March 20, 1851, entitled "an act incorporating the Xenia Mutual insurance Company."

H. J. R. No. 98; Relative to printing extra copies of the federal court resolutions.

H. J. R. No. 100; Relative to printing documents in German.

H. B. No. 468; To repeal the 5th, 6th, 7th, and 8th sections of the act entitled "an act to incorporate the several turnpike companies therein named, in Green county."

S. B. No. 121; To amend an act to provide against the evils resulting from the sale of intoxicating liquors in the State of Ohio, passed May 1, 1854.

S. B No. 296; An act to amend the second section of an act entitled "an act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein," passed March 10, 1857.

S. B. No. 301; an act for the assessment and taxation of all property in the State, and for levying taxes thereon according to its true value in money.

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S. J. R. No. 74; Relative to an amendment to the constitution, providing for annual sessions of the General Assembly.

S. J. R. No. 98; Relative to the purchase of horses, mules, &c., from Forrer, Burt & Co.

S. J. R. No. 97; Relative to the claim of George Rinehart.

S. B. No. 317; A act making additional appropriations for the year 1859.

S. B. No. 288; An act making appropriations for the payment of the interest on the State debt, the payment of a portion of the principal thereof, and the payment of the expenses of the Board of Commissioners of the Sinking Fund.

S. B. No. 314; An act to provide for the reappraisement of the school lands in Perry county.

S. B. No. 215; An act further to prevent the taking of usurious interest on the part of banks, and to prevent confession of judgment on warants of attorney in favor of banks.

S. B. No. 293; An act making appropriations for the year eighteen hundred and fifty-nine.

H. B. No 506; To amend the tenth section of an act defining the jurisdiction and regulating the practice of probate courts, passed March 14, 1853, and took effect July 1, 1853.

H. B. No. 442; To establish a uniform standard of weights and measures.

Attest: JOHN W. KEES, Clerk.

The President of the Senate then signed the foregoing bills and resolutions, as required by the constitution, in the presence of the Senate.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 318; Relative to a certain proposed amendment of the constitution, and the publication of this act, with an amendment, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

The question then being on agreeing to said House amendment,

The yeas and nays were ordered and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Corwine, Gard, Gatch, Green, Hatch, Kincaid, Langdon, McCleary, Miles, Murdock, Perkey, Perrill, Phelps, Reid, Slade, Taylor, Thomas, Vanatta, Westcott and Winans—22.

So said amendments were agreed to.

Mr. Hatch offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That the Auditor of State is hereby directed to audit and allow the claim of Judge Jacob Flinn, for balance of salary due on the first quarter of his term of office, as judge of the criminal court of Hamilton county: Provided that the sum so allowed does not exceed three hundred and twenty-five dollars.

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On which resolution the yeas and nays were ordered, and resulted—yeas 6, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Canfield, Green, Hatch, Langdon, Reid and Thomas—6.

Those who voted in the negative were—

Messrs. Buckland, Cantwell, Chapman, Corwine, Gard, Gatch, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Shideler, Schleich, Slade, Taylor, Westcott and Winans—19.

So said resolution was not agreed to.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. B. No. 461; To relieve the sureties of executors and administrators.

And has acceded to the request of the Senate for a committee of conference upon the matter of difference between the two Houses on

H. B. No. 492; To amend sections 8, 9 and 10 of an act entitled an act to relieve the district court, and to give greater efficiency to the judicial system of the State, passed April 12, 1858,

And has appointed Messrs. Thompson, Ambler and McFerren, on the part of the House.

Attest: JOHN W. KERR, Clerk.

Messrs. Schleich and Green were appointed said committee on the part of the Senate.

Message from the House of Representatives.

Mr. President:

The House has passed

H. J. R. No. 103; Relative to the receiving of the outstanding circulation of the Canal Bank of Cleveland by the Treasurer of State, and the issuing of certificates therefor.

Attest: JOHN W. KERR, Clerk.

On motion, said resolution was referred to the standing committee on Finance.

Mr. Hatch offered for adoption the following resolution, which was agreed to:

Resolved by the General Assembly of the State of Ohio, That rooms No. 4, 5 and 6, in the south wing (first story) of the Capitol, be, and the same are hereby assigned to the Comptroller of the Treasury; that room No. 3, in the west side, centre of the building, to the Attorney General; and that room No. 5, on east side, centre of building, now occupied by the Comptroller, to the Commissioner of Schools.

Mr. Schleich, from the standing committee on Public Works, reported back

S. B. No. 293; Making appropriations for the superintendence and repairs of the public works for the year 1859, and the first quarter of the year 1860,

With the pending House amendments.

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Mr. Smith moved that said bill, with the pending amendments, be referred to a select committee of three.

Mr. Hatch demanded a call of the Senate, which was had, and 32 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

The question then being on referring said bill to the select committee of three,

The yeas and nays were demanded, and being ordered, resulted—yeas 18, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Corwine, Hatch, Kincaid, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Smith, Thomas, Vanatta and Westcott—18.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Gard, Gatch, Green, Henkle, Langdon, McCleary, Miles, Schleich, Slade, Taylor and Winans—13.

So said motion prevailed, and Messrs. Smith, Safford and Canfield were appointed said committee.

Message from the House of Representatives.

Mr. President:

The House has passed

H. J. R. No. 304; Relative to printing the proposed constitutional amendment in the papers of the State.

Attest: JOHN W. KERR, Clerk.

Said resolution was agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed the following joint resolution, and requests the concurrence of the Senate in the same:

H. J. R. No. 82; Relative to taxes.

Also passed

S. J. R. No. 100; Relative to assigning rooms in the State House to the Attorney General, School Commissioner and Comptroller.

Attest: JOHN W. KERR, Clerk.

On motion, said H. J. R. No. 82, was referred to a select committee of three—Messrs. Langdon, Winans and Westcott.

Mr. Safford offered for adoption the following resolution, which was agreed to:

Resolved, That such reports of the select and standing committees of the Senate as have not been heretofore ordered to be printed in the Appendix to the Senate Journal, be, and the same are hereby ordered to be printed therein.

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Mr. Langdon, from the standing committee on Corporations other than Municipal, reported back

S. B. No. 277; Supplementary to an act entitled an act to authorize the incorporation of mutual insurance companies, passed April 14, 1857.

On motion, said bill was postponed until the first Monday in January, 1860.

Mr. Langdon, from the standing committee on State Buildings, reported back

S. J. R. No. 95; Rescinding the resolution relative to assignment of room to the Comptroller of the Treasury.

Laid on the table.

Mr. Langdon moved that when the Senate adjourn, it adjourns until 7 o'clock tomorrow morning; which was agreed to

The Senate then adjourned.

Attest: C. W. BLAIR, Clerk.

WEDNESDAY, April 6, 1859.

On motion, a call of the Senate was had, and 19 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

Mr. Hatch, from the joint select committee of conference on the disagreement between the two houses, reported back

H. B. No. 358; To authorize county commissioners to alter or change the boundaries of election precincts, and recommended that the Senate recede from its amendment to said bill.

The question then being on agreeing to the report of the committee,

The yeas and nays were ordered, and resulted—yeas 19, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Gard, Green, Hatch, Henkle, Kincaid, Langdon, Morrow, Murdock, Perkey, Perrill, Phelps, Shideler, Schleich, Slade, Vanatta and Winans—19.

So said report was agreed to.

Mr. Hatch offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That room No. 30 and 32, first story of the capitol, be and the same are hereby assigned to the Board of Commissioners of the Sinking Fund.

On motion, a call of the Senate was had, when 20 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

On motion, Messrs. Smith, Safford and Canfield were excused.

Several Senators appearing within the bar of the Senate, on motion, all further proceedings under the call were dispensed with.

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The question then being on the adoption of the resolution,

The yeas and nays were ordered and resulted—yeas 12, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Gatch, Hatch, Kincaid, McCleary, Morrow, Phelps, Shideler, Slade, Taylor, Vanatta and Winans—12.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cass, Chapman, Green, Henkle, Holloway, McKelly, Miles, Murdock, Perkey, Perrill, Schleich and Westcott—14.

So said resolution was not agreed to.

Mr. Hatch moved to reconsider the vote, and that the motion to reconsider be laid on the table, which was agreed to.

Mr. Kincaid offered for adoption the following resolution:

Resolved, That the thanks of this body are hereby unanimously tendered to the Hon. Martin Welker, President of the Senate, for the ability, dignity and *entire* impartiality with which he has presided over its deliberations during the present session.

On which resolution the yeas and nays were ordered, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Cass, Chapman, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Slade, Taylor, Thomas, Vanatta, Westcott and Winans—27.

So said resolution was agreed to.

Mr. Green offered for adoption the following resolution:

Resolved, That the thanks of the Senate be and are hereby tendered to C. W. Blair, clerk, and his assistants, for the courtesy, diligence and faithfulness with which they have discharged their respective duties.

Which resolution was read at the clerk's desk by Mr. Green, who also acted as clerk during the call of the yeas and nays upon the same, which resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Cantwell, Cass, Chapman, Gatch, Green, Hatch Henkle, Holloway, Kincaid, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Slade, Taylor, Thomas, Vanatta, Wescott and Winans—27.

So said resolution was agreed to.

Mr. Phelps offered for adoption the following resolution, which was agreed to:

Resolved, That the thanks of the Senate be tendered to the clergymen who have officiated for the Senate in opening the same with prayer, for their attention and faithful services during the sittings of the present General Assembly, and that the clerk of this body present to each of them a copy of the Journal of the Senate, and Appendix thereto.

Mr. Phelps offered for adoption the following resolution, which was agreed to:

Resolved, That the clerk append to and publish with the journal, a list of Senators and officers of the Senate, showing their age, birth-place, residence, post-office and occupation, after the manner of the publication in the last journal.

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Mr. Schleich offered for adoption the following resolution, which was agreed to:

Resolved, That the thanks of the Senate are hereby tendered James B. Marshall, reporting clerk of the Senate for the manner in which he has discharged the duties of his office.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 75; Relative to tunnage duty on merchandize passing over the Pennsylvania Railroad, with amendments, in which the concurrence of the Senate is requested; also,

H. J. R. No. 404; Relative to Governor's proclamation, in which the concurrence of the Senate is requested.

Attest: JOHN W. KEES, Clerk.

The question then being on agreeing to the House amendments,

The yeas and nays were ordered and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Chapman, Gard, Gatch, Green, Hatch, Holloway, Kincaid, McKelly, Miles, Murdock, Perrill, Phelps, Shideler, Schleich, Slade, Taylor, Thomas, Vanatta, Westcott and Winans—22.

So said amendment was agreed to.

The question then being on agreeing to said H. J. R. No. 404, the same was agreed to.

Mr. Westcott offered for adoption the following resolution, which was agreed to:

Resolved, That the thanks of the Senate be tendered to the Sergeant-at-Arms and his assistants, for the faithful and efficient manner in which they have discharged their respective duties.

Mr. Miles offered for adoption the following resolution, which was agreed to:

Resolved by the General Assembly of the State of Ohio, That the State Librarian be and he is hereby instructed and required to have bound and preserved in the library for future reference, two copies of the printed bills and printed amendments to bills introduced in the Senate and House during the present session.

On motion, a call of the Senate was had, and 24 Senators answered to their names.

On motion, all further proceedings under the call were dispensed with.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills and joint resolutions, and the same are now ready for the signature of the President of the Senate:

H. B. No. 436; Explanatory of an act entitled an act to amend sec. 23 of an act entitled an act to provide for the organization, supervision and maintenance of common schools, passed March 11, 1853, passed March 13, 1859.

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H. B. No. 508; To repeal an act passed April 11, 1856, entitled an act supplementary to an act entitled an act to authorize free banking in Ohio, passed March 21, 1851.

H. B. No. 107; An act regulating the mode of administering assignments in trust for the benefit of creditors.

H. B. No. 461; To relieve the sureties of executors or administrators.

S. J. R. No. 86; To authorize a settlement with the Ohio Life Insurance and Trust Company.

Attest: John W. Kees, Clerk.

The President of the Senate then signed the foregoing bills and resolutions, as required by the constitution, in the presence of the Senate.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 203; To amend the act entitled an act to establish a code of civil procedure.

Attest: John W. Kees, Clerk.

Message from the House of Representatives.

Mr. President:

The House has agreed to the report of the committee of conference on

H. B. No. 492; To amend sections 8, 9 and 10 of an act entitled "an act to relieve the district courts and to give greater efficiency to the judicial system of the State," passed April 12, 1858.

Attest: John W. Kees, Clerk.

The question then being on agreeing to said report of committee of conference,

The yeas and nays were ordered, and resulted—yeas 19, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Gard, Gatch, Hatch, Langdon, McKelly, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Slade, Taylor, Thomas, Westcott and Winans—19.

So said report was agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed

H. B. No. 367; To provide for a chief clerk in the office of the Comptroller of the Treasury, in which the concurrence of the Senate is requested.

Attest: John W. Kees, Clerk.

Said bill was read the first time.

Mr. Taylor moved that the constitutional rule be suspended, so that said bill may be read a second and third time now, which was agreed to.

Said bill was then read a second time.

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Mr. Taylor moved to strike out the 4th section of said bill, which was agreed to.

Said bill was then read a third time, and the question being,

"Shall the bill pass?"

The yeas and nays were ordered and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Chapman, Gard, Gatch, Hatch, Langdon, McKelly, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Slade, Taylor, Thomas, Vanatta, Westcott and Winans—20.

So said bill having received a constitutional majority, was passed.

Ordered that the title be as aforesaid.

Mr. Langdon, from the standing committee on State Buildings, reported back

H. B. No. 510; To repeal an act therein named; and

H. J. R. No. 59; Relative to instructing the State House Commissioners to discharge certain persons employed upon the New State House, and recommended that the same be postponed until the first Monday in January, 1860; which was agreed to.

On motion of Mr. Phelps,

A call of the Senate was had, and 26 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

On motion, a call of the Senate was had, when 29 Senators answered to their names.

On motion, Messrs. Smith, Canfield and Corwine were excused.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 102; Relative to preserving printed bills, &c., in State Library; and has agreed to Senate amendment to

H. B. No. 365; To provide for a chief clerk in the office of the Comptroller of the Treasury.

Attest: JOHN W. KERR, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 312; To amend the 22d section of an act to prescribe the duties of the Attorney General.

Attest: JOHN W. KERR, Clerk.

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Mr. Safford offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That the resolution of adjournment, heretofore passed, be and the same is hereby rescinded, and that this General Assembly will adjourn *sine die* on Thursday, April 7th, at 12 o'clock M.

On which resolution, the yeas and nays were ordered, and resulted—yeas 11, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Chapman, Green, Hatch, Perkey, Perrill, Reid, Safford, Shideler, Schleich, Thomas, and Westcott—11.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cantwell, Cass, Gard, Gatch, Henkle, Holloway, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Phelps, Slade, Taylor and Winans—19.

So said resolution was not agreed to.

Mr. Winans moved to reconsider the vote by which the Senate refused to pass said resolution.

On which motion the yeas and nays were ordered, and resulted—yeas 20, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Canfield, Cantwell, Cass, Chapman, Hatch, Kincaid, Langdon, McKelly, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith, Thomas, Vanatta and Westcott—20.

Those who voted in the negative were—

Messrs Ashmun, Buckland, Gard, Gatch, Green, Henkle, Holloway, McCleary, Miles, Slade, Taylor and Winans—12.

So said motion to reconsider, was agreed to.

Mr. McKelly moved to strike out the words "Thursday, April 7th, at 12 o'clock, M.," and insert "this day, (Wednesday) April 6th."

Mr. Langdon moved to amend by striking out the words in the original resolution, "12 o'clock, M"

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 14, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Hatch, Langdon, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Smith and Westcott—14.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Cass, Gard, Gatch, Green, Henkle, Holloway, Kincaid, McCleary, McKelly, Miles, Morrow, Slade, Thomas, Vanatta and Winans—17.

So said amendment was not agreed to.

The question then being on agreeing to the amendment offered by Mr. McKelly,

The yeas and nays were ordered and resulted—yeas 20, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Chapman, Gard, Green, Hatch, Kincaid,

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McKelly, Miles, Morrow, Perkey, Perrill, Reid, Safford, Shideler, Smith, Thomas, Vanatta and Westcott—20.

Those who voted in the negative were—

Messrs. Gatch, Henkle, Holloway, Langdon, McCleary, Murdock, Phelps, Schleich, Slade and Winans—10.

So said amendment was agreed to.

The question then being on agreeing to the resolution as amended,

The yeas and nays were demanded, and being ordered, resulted—yeas 22, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Cass, Chapman, Green, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Shideler, Schleich, Smith, Taylor, Thomas, Vanatta and Westcott—22.

Those who voted in the negative were—

Messrs. Buckland, Gard, Gatch, Henkle, Holloway, McCleary, Miles, Slade and Winans—9.

So said resolution was agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed

S. J. R. No. 103; Rescinding S. J. R. No. 95, and relative to a *sine die* adjournment.

Attest: JOHN W. KEES, Clerk.

On motion of Mr. Langdon,

The Senate took a recess until 3 o'clock P. M.

THREE O'CLOCK, P. M.

Message from the House of Representatives.

Mr. President:

The Speaker of the House has signed the following enrolled bills, and the same are now ready for the signature of the President of the Senate:

S. B. No. 318; Relating to a certain proposed amendment to the constitution, and the publication of this act.

H. B. No. 427; Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852.

Attest: JOHN W. KEES, Clerk.

The President of the Senate then signed the foregoing bills, in the presence of the Senate, as required by the constitution.

Message from the House of Representatives.

Mr. President:

The Speaker of the House has signed the following enrolled bills and joint resolutions, and the same are now ready for the signature of the President of the Senate:

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H. B. No. 358; To authorize county commissioners to alter or change the boundaries of election precincts.

H. B. No. 203; To amend the act entitled an act to establish a code of civil procedure.

S. J. R. No. 102; Relative to preserving printed bills, &c., in State Library.

S. J. R. No. 75; Relative to tunnage duty on merchandise passing over the Pennsylvania Railroad.

H. J. R. No. 404; Relative to Governor's Proclamation.

H. B. No. 492; To amend sections 7, 8, 9 and 10 of an act entiled an act to relieve the district courts and to give greater efficiency to the judicial system of the State, passed April 12, 1858.

Attest: JOHN W. KERR, Clerk.

The President then signed the foregoing bills and resolutions, as required by the constitution, in the presence of the Senate.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following joint resolution, and the same is now ready for the signature of the President of the Senate:

S. J. R. No. 103; Rescinding S. J. R. No. 95, and relative to a *sine die* adjournment.

Attest: JOHN W. KERR, Clerk.

The President then signed the foregoing resolution, as required by the constitution, in the presence of the Senate.

On motion, a call of the Senate was had, and 22 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

Mr. Kincaid offered for adoption the following resolution:

Resolved, That no Senator shall speak, at any one time, more than five minutes upon any question during the balance of the present session, without permission from the Senate.

Mr. Winans demanded a call of the Senate, which was had, when 21 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

Message from the House of Representatives.

Mr. President:

The House has indefinitely postponed

S. B. No. 319; For the relief of the stockholders and creditors of the Cleveland, Medina and Tuscarawas Railroad Company.

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And has passed

S. B. No. 289; To reimburse the deficiency in the sinking fund,

With an amendment, in which the concurrence of the Senate is requested.

Attest : JOHN W. KERR, Clerk.

On motion, said S. B. No. 289, was referred to the standing committee on Finance.

On motion, a call of the Senate was had, and 24 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

Mr. Taylor, from the Finance committee, reported back

S. B. No. 289; To reimburse the deficiency in the sinking fund,

With the pending House amendment.

On which the yeas and nays were ordered, and resulted—yeas none, nays 22, as follows :

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Chapman, Gard, Gatch, Green, Henkle, Holloway, Kincaid, Langdon, McCleary, Miles, Murdock, Perrill, Phelps, Safford, Slade, Taylor, Thomas, Vanatta, Westcott and Winans—22.

So said amendment was not agreed to.

On motion, a call of the Senate was had, and 29 Senators answered to their names.

Messrs. Corwine and Cass were excused.

On motion, all further proceedings under the call were dispensed with.

The question then recurring (the proceedings subsequent to the offering of said resolution having been by universal consent) on the resolution offered by Mr. Kincaid, relative to the time allowed each Senator for speaking upon any subject at any one time,

The yeas and nays were demanded, and being ordered, resulted—yeas 22, nays 8, as follows :

Those who voted in the affirmative were—

Messrs. Ashmun, Cantwell, Chapman, Gatch, Hatch, Kincaid, Langdon, McCleary, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Smith, Thomas, Vanatta and Westcott—22.

Those who voted in the negative were—

Messrs. Buckland, Gard, Green, Henkle, Schleich, Slade, Taylor and Winans—8.

So said resolution was agreed to.

Mr. Hatch, from the standing committee on Finance, reported back

H. J. R. No. —; Relative to the receiving of the outstanding circulation of the

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Canal Bank of Cleveland by the Treasurer of State, and the issuing of certificates therefor,

With an amendment, which was agreed to.

The question then being on agreeing to said resolution as amended,

The yeas and nays were ordered, and resulted—yeas 23, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Canfield, Cantwell, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Langdon, Miles, Murdock, Perkey, Perrill, Phelps, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—23.

Those who voted in the negative were—

Messrs. Safford and Schleich—2.

So said resolution was agreed to.

Mr. Smith, from a select committee, reported back

S. B. No. 293; Making appropriations for the superintendence and repairs of the public works of the State for the year 1859, and the first quarter of the year 1860,

With amendments to the pending House amendments.

On which amendments the yeas and nays were demanded, and being ordered, resulted—yeas 29, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Chapman, Gard, Gatch, Green, Hatch, Holloway, Kincaid, Langdon, McKelly, Miles, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Schleich, Slade, Smith, Thomas, Vanatta, Westcott and Winans—29.

Those who voted in the negative were—

Messrs. Henkle, McCleary and Taylor—3.

So said amendments were agreed to.

The question then being on agreeing to said House amendments as amended,

Mr. Langdon moved to refer said bill, with pending amendments, to the standing committee on Finance, with instructions to report contingent appropriations in case the lettings are not made, which was agreed to.

Message from the House of Representatives.

Mr. President:

The House insists on its amendment to

S. B. No. 289; To reimburse the deficiency in the sinking fund,

And requests a committee of conference.

Attest: JOHN W. KERR, Clerk.

On motion, the Senate acceded to the request of the House for a committee of conference.

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Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to

H. J. R. No. 103; Relative to the receiving of the outstanding circulation of the Canal Bank of Cleveland, by the Treasurer of State, and the issuing of certificates therefor.

Attest: JOHN W. KERR, Clerk.

Message from the House of Representatives.

Mr. President:

The House has passed

S. B. No. 257; To amend section eight of an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed April 13, 1853.

Attest: JOHN W. KERR, Clerk.

Mr. Langdon, from the standing committee on Corporations other than Municipal, reported back

S. B. No. 307; Supplemental to an act to enable the trustees of colleges, academies, universities, and other institutions for the purpose of promoting education, to become bodies corporate, and the acts amendatory thereof and supplementary thereto, and recommended that the same be indefinitely postponed; which was agreed to.

On motion of Mr. Phelps,

The Senate took a recess until 7 o'clock P. M.

SEVEN O'CLOCK P. M.

On motion, a call of the Senate was had, and 31 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

Mr. Schleich, from a majority of the standing committee on Finance, reported back

S. B. No. 293; Making appropriation for the superintendence and repair of the Public Works of the State for the year 1859, and the first quarter of the year 1860, with amendments to the pending amendment.

There being a division of the question called for, and the question recurring upon the amendment appropriating for the payment of over-drafts on the Treasury, the same was not agreed to.

Mr. Phelps, from a majority of the Finance committee, offered the following substitute for the former amendment, appropriating $16,333 80, for payment of over-drafts upon the Treasury:

"For re-imbursing the Treasury on account of money drawn therefrom without authority of law, to repair damages to Division No. 2 of the Public Works, occa-

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sioned by the floods of 1858, the sum of sixteen thousand three hundred and thirty-three dollars and eighty cents. But in making the appropriation, the General Assembly protests against the said over-drafts, as not only without law, but in contravention of the constitution and the statutes, and is only made in consideration that the public officers acted honestly and in good faith, and that the money has been faithfully applied to the public use."

On which substitute, the yeas and nays were demanded, and being ordered, resulted—yeas 25, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cantwell, Cass, Gard, Gatch, Green, Henkle, Holloway, McCleary, Miles, Morrow, Perkey, Perrill, Phelps, Shideler, Schleich, Slade, Smith, Taylor, Thomas, Vanatta, Westcott and Winans—25.

Those who voted in the negative were—

Messrs. Chapman, Hatch, Kincaid, Langdon, McKelly, Murdock, Reid and Safford—8.

So said substitute was agreed to.

The question then being on agreeing to the amendments reported by the Finance committee, as amended, the same was agreed to.

After debate, Mr. Smith moved that the vote by which the Senate agreed to the appropriation for the over-drafts on the Treasury, of $16,333 80, be rescinded.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 17, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Chapman, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Phelps, Reid, Safford, Shideler, Smith, Thomas, Vanatta and Westcott—17.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Cass, Gard, Gatch, Green, Henkle, Holloway, McCleary, Miles, Schleich, Slade, Taylor and Winans—15.

So said motion prevailed.

The question then being on agreeing to said amendment,

The yeas and nays were demanded, and being ordered, resulted—yeas 15, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Ashmun, Buckland, Canfield, Cass, Gard, Gatch, Green, Henkle, Holloway, McCleary, Miles, Schleich, Slade, Taylor and Winans—15.

Those who voted in the negative were—

Messrs. Cantwell, Chapman, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Smith, Vanatta and Westcott—17.

So said amendment was not agreed to.

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On motion, a call of the Senate was had, and 32 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

The question then being on agreeing to said House amendments, as amended,

The yeas and nays were ordered and resulted—yeas 19, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Cantwell, Cass, Chapman, Hatch, Kincaid, Langdon, McKelly, Morrow, Murdock, Perkey, Perrill, Phelps, Reid, Safford, Shideler, Smith, Thomas, Vanatta and Westcott—19.

Those who voted in the negative were—

Messrs. Ashmun, Buckland, Canfield, Gard, Gatch, Green, Henkle, Holloway, McCleary, Miles, Schleich, Slade, Taylor and Winans—14.

So said amendments were agreed to.

House amendment to the title of the bill was then agreed to—striking out the same, and inserting the following: "Making appropriation for the superintendence and repairs of the public works for the fiscal year ending November 15, 1859, and providing for leasing the same."

The title, as amended, was then agreed to.

Message from the House of Representatives.

Mr. President:

The House requests the return of

S. B. No. 289; To reimburse the deficiency in the sinking fund,

And the message accompanying the same to the Senate.

Attest: JOHN W. KEES, Clerk.

On motion, the Senate acceded to the request of the House for the return of said bill.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following joint resolution, and the same is now ready for the signature of the President of the Senate:

S. J. R. No. 104; Relative to printing the proposed constitutional amendment in the papers of the State.

Attest: JOHN W. KEES, Clerk.

The President of the Senate then signed the foregoing resolution, in the presence of the Senate, as required by the constitution.

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Message from the House of Representatives.

Mr. President:

The House has reconsidered the vote by which it agreed to

S. J. R. No. 100; Assigning rooms in State House to Attorney General, School Commissioner and Comptroller,

And has passed the same with amendments, in which the concurrence of the Senate is requested.

Attest: JOHN W. KERR, Clerk.

The question then being on agreeing to said House amendments,

The yeas and nays were demanded, and being ordered, resulted—yeas 15, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Canfield Cantwell, Chapman, Gatch, Green, Hatch, Kincaid, McKelly, Murdock, Perkey, Reid, Smith, Vanatta and Westcott—15.

Those who voted in the negative were—

Messrs. Ashmun, Gard, Langdon, McCleary, Miles, Perrill, Phelps, Safford, Schleich, Slade, Taylor, Thomas and Winans—13.

So said amendments were agreed to.

On motion, a call of the Senate was had, and 13 Senators answered to their names.

The Sergeant-at-Arms was dispatched after the absentees.

Several Senators appearing within the bar of the Senate,

On motion, all further proceedings under the call were dispensed with.

Message from the House of Representatives.

Mr. President:

The House has agreed to Senate amendments to House amendments to

S. B. No. 293; Making appropriations for the repairs of the public works for the year 1859, and for the first quarter of the year 1860.

Attest: JOHN W. KERR, Clerk.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills and joint resolution, and the same are now ready for the signature of the President of the Senate:

S. B. No. 312; To amend the 22d section of an act to prescribe the duties of the Attorney General.

H J. R. No. 102; Relative to the receiving of the outstanding circulation of the Canal Bank of Cleveland, by the Treasurer of State, and the issuing of certificates therefor.

S. B. No. 257; To amend section eight of an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed April 13, 1853.

Attest: JOHN W. KERR, Clerk.

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The President of the Senate then signed the foregoing bills and resolution, as required by the constitution, in the presence of the Senate.

On motion of Mr. Hatch, it was

Resolved, That the Auditor of State be and he hereby is directed to audit and allow to each clerk, assistant clerk and messenger boy of the Senate, in addition to those now on duty, to any amount heretofore allowed, two day's pay as a remuneration for the night session of April 6, 1859.

Mr. Taylor offered for adoption the following resolution:

Resolved, That the thanks of the Senate be and they are hereby tendered to Senators Langdon and Phelps, for the courteous and dignified manner in which they severally discharged the duties of President pro tem. of the Senate during the session.

On which resolution the yeas and nays were ordered, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Buckland, Canfield, Cantwell, Chapman, Gard, Gatch, Green, Hatch, Henkle, Holloway, Kincaid, McCleary, Miles, Morrow, Murdock, Perkey, Reid, Shideler, Schleich, Slade, Smith, Taylor, Vanatta, Westcott and Winans—25.

So said resolution was agreed to.

Message from the House of Representatives.

Mr. President:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 106; Relative to authorizing the Commissioners of the Sinking Fund to purchase a house for the Governor.

Attest: JOHN W. KNOX, Clerk.

On motion, said resolution was laid on the table.

Mr. Langdon offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That the room now occupied by the School Commissioner is hereby assigned to the Attorney General, and that the room now occupied by the Comptroller of the Treasury, is hereby assigned to the School Commissioner, and the Acting Commissioner of the State House is directed to fit up said room and transfer the necessary furniture and appurtenances in accordance with this resolution.

On which motion the yeas and nays were demanded, and being ordered, resulted—yeas 9, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Green, Hatch, Henkle, Langdon, McCleary, Schleich, Slade, Taylor and Winans—9.

Those who voted in the negative were—

Messrs. Chapman, Gard, Henkle, Holloway, Kincaid, Morrow, Murdock, Perkey, Phelps, Reid, Shideler, Smith, Vanatta and Westcott—14.

So said resolution was not agreed to.

On motion of Mr. Reid, it was

Resolved, That the Sergeant-at-Arms of the Senate and his assistants be allowed extra compensation for two days each for night services during the present session, and that the same be paid on the certificate of the President of the Senate.

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Message from the House of Representatives.

Mr. President:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

Attest: JOHN W. KERR, Clerk.

On motion of Mr. Ashmun,

Said resolution was laid on the table.

Message from the House of Representatives.

Mr. President:

The Speaker of the House of Representatives has signed the following enrolled bills and joint resolution, and the same are now ready for the signature of the President of the Senate:

S. B. No. 293; Making appropriations for the superintendence and repairs of the public works for the fiscal year ending November 15, 1859, and for providing for leasing the same.

H. B. No. 367; To provide for the appointment of a chief clerk in the office of the Comptroller of the Treasury.

S. J. R. No. 100; Assigning rooms in the State House to the Attorney General and Comptroller.

Attest: JOHN W. KERR, Clerk.

The President of the Senate, then signed the foregoing bills and joint resolution, as required by the constitution, in the presence of the Senate.

Message from the House of Representatives.

Mr. President:

The House of Representatives, having completed its business, is now ready to adjourn *sine die*.

Attest: JOHN W. KERR, Clerk.

On motion, a message was sent to the House of Representatives informing that body that the Senate has finished its business and is now ready to adjourn.

Mr. Canfield moved that the Senate adjourn *sine die*, which motion prevailed; whereupon the President rose and made the following remarks; which,

On motion of Mr. Thomas,

Were ordered to be entered on the Journal:

Senators:—I am now about to perform my last duty as your presiding officer. Before doing so, allow me to express to you my thanks for the uniform courtesy and kindness which you have extended towards me, as well as your flattering expressions of approval of my official conduct.

During the term of our official relations, the difficulties of my position have been greatly diminished by the dignity and decorum which have marked your deliberations. It has been my desire faithfully and impartially to discharge my duties, although I may have fallen short of its accomplishment. If at any time, however, I have given offense, or failed in my duty to any Senator, I hope I shal

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be pardoned. I feel conscious that I have, at least, intended to accord to each equal rights and courtesies.

In now parting, permit me to say, that in the years to come, it will give me pleasure to learn of the happiness, prosperity and success in life of each one of you; and whether we meet hereafter in the private walks of life, or in the public service, I trust we shall not forget the friendly relations formed during our pleasant association in this General Assembly.

Hoping that you may all realize your brightest anticipations of future usefulness —that each of you may at all times, in private and in public life, be found truly devoted to the best interests of the State, its advancement and prosperity, and to the maintenance of Freedom, Justice and Right among men—I now declare the Senate adjourned *sine die*.

And so the Senate adjourned *sine die*.

Attest : C. W. BLAIR, Clerk.

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268. Mr. Henkle; To provide for the removal of obstructions from turnpikes or plank roads, 200, 208, 218, 274, 342.

269. Mr. Safford; To amend an act entitled "an act regulating the publication of the Ohio Reports," passed April 14, 1854, 204, 213, 218, 233.

270. Mr. Kincaid; To amend the second section of an act entitled "an act to provide for the uniform government and regulation of the lunatic asylums of the State, and the care of the idiots and the insane," 204, 213, 217, 219, 250, 273.

271. Mr. Vanatta; To authorize associations of persons for the improvement of mineral lands and mines in this State, to become bodies corporate, 204, 219, 349.

272. Mr. Taylor; To change the territorial limits of the city of Cleveland, and of the township of East Cleveland, 209, 226, 307, 330, 331, 334.

273. Mr. Taylor; To amend the first section of the act to provide for the organization of cities and incorporated villages, passed May 3, 1852, 211, 235, 307, 415.

274. Mr. Hatch; To authorize the commissioners of Hamilton county, to contract for building a roadway or bridge for public use, across Mill Creek, in said county, 216, 227, 271, 279, 283, 352, 369.

278. To repeal an act entitled "an act to amend the act entitled an act fixing the rate of interest," passed January 12, 1824, "and all other laws on that subject," passed March 14, 1850, 218, 235, 307.

275. Mr. Winans; Making partial appropriations for the repair of the public works, 219, 220.

276. Mr. Phelps; For the relief of Samuel Ketchum, 224, 268, 285, 345, 359.

277. Mr. Perkey; Supplementary to an act entitled, "an act to incorporate mutual insurance companies," passed April 14, 1857, 229, 235, 275, 479.

287. Mr. Langdon; To amend section 157 of an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853, 231, 235, 275, 285, 292, 374, 396.

140. Supplementary to an act to regulate the election, contest of election and the resignation to justices of the peac, passed March 11, 1853, 232.

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279. Mr. Green; To amend section 2 of an act entitled, "an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," passed April 13, 1852, 233, 235, 307, 397.

280. Mr. Schleich; Concerning the Board of Public Works and other officers of the State, 237, 255, 275, 290, 382, 384.

281. Mr. Taylor; To provide for the semi-annual collection of taxes, 237, 255, 326, 332, 340, 382, 383, 446.

282. Mr. Taylor; To provide more effectually for the safe-keeping of the securities deposited by banks, and for the redemption of their notes, 237, 264, 270, 462, 463, 473.

283. Mr. Miles; To amend section 45 of the act entitled, "an act to provide for the reorganization, supervision and maintenance of common schools," passed March 1, 1853, 237, 264, 324, 451.

284. Mr. Slade; To authorize the city of Cleveland to appoint inspectors of provisions and other articles, 238, 255, 305, 313, 320, 321, 452, 462.

285. Mr. Westcott; To define and limit the provisions of an act entitled, "an act supplementary to an act entitled, 'an act supplementary to an act entitled, 'an act to provide for the organization of cities and incorporated villages,'" passed May 3, 1852, and the acts amendatory thereof and supplementary thereto, passed April 14, 1857, 241, 264, 285.

286. Mr. Gatch; To amend the act passed March 17, 1856, supplementary to an act passed March 2, 1853, to provide for draining and reclaiming certain swamp and other overflowed lands, 247, 275, 288, 312, 359.

288. Mr. Hatch; Making appropriations for the payment of interest on the State debt, the payment of a portion of the principal thereof, and the payment of the expenses of the Board of Commissioners of the Sinking Fund, 257, 270, 275, 278, 283, 402, 403, 420, 429, 453, 471, 476.

289. Mr. Hatch; To re-imburse the sinking fund for the deficiency occasioned by the defalcation of the late Treasurer of State, prior to June 10, 1857, 257, 275, 281, 283, 284, 487, 488, 491.

290. Mr. Cass; To amend section 3 of the act entitled, "an act regulating the fees of sheriffs in civil and criminal cases," passed March 3, 1857, 258, 307, 327, 331, 332, 356, 372, 410, 411.

127. To provide for the removal of the seat of justice of Paulding county, from the town of Paulding to the town of Charloe, in said county, 265, 267, 277, 346.

291. Mr. Westcott; Supplementary to an act entitled, "an act to provide for the partition of real estate," passed February 13, 1831, 266, 291.

292. Mr. Schleich; Making appropriations for the maintenance and repairs of the public works for the year 1859, and the first quarter of the year 1860, 266, 291, 349, 368, 371, 396, 402, 410, 472, 474, 477, 478, 488, 489, 490, 491, 492.

293. Mr. Hatch; Making appropriations for the year 1859, 266, 312, 331, 350, 360, 368, 369, 389, 390, 391, 392, 445, 447, 448, 449, 452, 453, 455, 466, 467, 476, 494.

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294. Mr. Hatch; Making appropriations in part for the first quarter of the year 1860, 266, 291, 371, 392, 393, 444, 445, 462.

295. Mr. Corwine; To authorize the commissioners of Pike county to borrow money for bridge purposes, 270, 291, 296, 299, 384, 402.

296. Mr. Langdon; To amend section two of an act entitled, "an act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein," passed March 10, 1857, 273, 291, 307, 309, 463, 464, 475.

297. Mr. Phelps; To repeal section 3 of an act further to prescribe the duties of county commissioners, 304, 312, 428.

298. Mr. Schleich; Relative to the Lewistown Reservoir, 305, 312, 348, 403, 414.

299. Mr. Phelps; To direct the sale of certain lands in Union county, 305, 312, 349, 357, 403, 413.

300. Mr. Langdon; To provide for the enlargement of the Ohio Penitentiary, 307, 312, 315, 321, 364, 429, 462.

301. Mr. Phelps; For the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money, 310, 374, 406, 436, 439, 475.

302. Mr. Phelps; Prescribing the duties of county auditors, 310, 320, 375, 450, 451, 462.

303. Mr. Phelps; To provide for the election of township assessors and to prescribe their duties, 310, 312, 318, 321, 457, 465.

304. Mr. McCleary; To provide for the partition of real estate, 323, 376, 462, 465.

305. To amend an act supplementary to an act prescribing the duties of supervisors, and relating to roads and highways, passed February 13, 1853, and to repeal an act prescribing the duties of supervisors, and relating to roads and highways, passed April 8, 1856; also, prescribing the duties of county commissioners, county auditors, and township clerks and supervisors, passed April 12, 1858, 323, 332, 339, 340, 343.

306. Mr. Holloway; To authorize the commissioners of Belmont county to loan certain money, 333, 378, 387, 388, 403, 414.

307. Mr. Winans; Supplementary to an act to enable trustees of colleges, academies, universities and other institutions for the purpose of promoting education, to become bodies corporate, and the acts amendatory thereof and supplementary thereto, 339, 373, 489.

308. Mr. Langdon; To amend an act entitled, "an act to provide and regulate the manner in which grand and pitit jurors shall be drawn and summoned in Hamilton county," passed May 1, 1852, 347, 373, 374, 414, 415, 430, 447.

309. Mr. Cantwell; To amend an act entitled, "an act to provide for the creation and regulation of incorporated companies in the State of Ohio,' passed May 1, 1852, 347, 374, 405, 406.

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310. Mr. Perrill; Supplementary to an act entitled, "an act providing for the appointment and more thorough system of accountability of officers of the Ohio Penitentiary, fixing their compensation, prescribing their duties and determining the manner of working convicts," passed April 12, 1858, 368, 386, 393, 394.

311 Mr. Westcott; For the relief of George Rinehart, 371, 386, 447.

116. To provide for the removal of justices of the peace and county officers for misconduct in office, 408.

312. Mr. Taylor; To amend the 22d section of an act to prescribe the duties of the Attorney General, 419, 483, 492.

313. Mr. Hatch; To provide for the payment of the expenses of re-appraisal of real estate for the year 1859, 427, 428, 453, 465.

314. Mr. Reid; To amend the 16th section of an act entitled, an act to incorporate the original surveyed townships, passed March 14, 1831, 432, 433, 437, 443, 473, 476.

315. Mr. Henkle; To amend section three of an act passed March 29, 1859, entitled, an act to amend section 69, of an act passed May 3, 1852, entitled an act to provide for the organization of cities and incorporated villages, 434, 435.

165. For the relief of H. W. Derby & Co., 435.

68. To amend an act entitled, an act to regulate the election of State and county officers, passed May 3, 1852, 445.

52. To regulate the time of holding elections and to amend an act to regulate the election of State and county officers, passed May 3, 1852, also to amend the act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, 445.

103. To amend the first section of an act entitled an act fixing the salaries of certain State officers, 451.

316. To amend section 1 of an act passed March 31, 1859, supplementary to an act entitled an act defining the jurisdiction of probate courts in the counties of Lucas and Erie, passed April 12, 1858, and to extend the operation of said act to the counties of Meigs and Mercer, 456, 457, 464.

317. Mr. Hatch; Making additional appropriations for the year 1859, 467, 468, 471, 476.

318. Mr. Slade; Relating to a certain proposed amendment to the constitution, and the publication of this act, 471, 476, 485.

319. For the relief of the stockholders and creditors of the Cleveland, Medina and Tuscarawas Railroad Company, 475, 486.

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251. For the relief of the holders of the bank notes of the Seneca County Bank, 4, 436.

260. To amend the seventh section of the act entitled, "an act for the prevention of gaming," passed March 12, 1831, as amended by the act of April 17, 1857, entitled, "an act to amend an act entitled, an act more effectually to prevent gaming," passed January 17, 1846, 4.

138. To reinstate the contractors to the several contracts made by the Board of Public Works on the 13th of November, 1855, and to authorize the Attorney General to institute legal proceedings against the same and to repeal so much of the act entitled, "an act making appropriations for the public works for 1857," passed April 15, 1857, as is inconsistent with this act, 6.

107. Regulating the mode of administering assignments in trust for the benefit of creditors, 225, 281, 421, 422, 473, 482.

127. To repeal an act supplementary to an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and which was passed April 3, 1857, 8, 445.

270. To amend the second section of an act passed April 12, 1858, entitled, "an act to amend an act entitled, an act providing for the election of coroners and sheriffs and fixing their term of office," passed March 8, 1854, 9, 78, 113.

210. Requiring the certificates of naturalized citizens to be recorded in the office of the township clerk, 11.

234. To allow the city of Toledo to borrow money for certain purposes therein named, 11, 13, 16, 240, 250, 293, 234, 308, 430, 441, 450.

237. To amend section one of an act entitled, "an act to regulate enclosures and to provide against trespassing animals," passed Jan. 17, 1840, 16, 20, 22, 34, 59, 60, 66, 105.

272. Authorizing the issue of preferred stock for the extension of the Cincinnati, Wilmington and Zanesville Railroad, 16, 20, 21, 26, 32.

143. "Providing for the sale of certain of the public works of the State of Ohio," 18, 140, 141, 196, 203, 231, 377.

142. To preserve the purity of elections, 18, 128, 133, 151, 153, 154.

298. To authorize the commissioners of Butler county to borrow money and levy taxes therein named, 22, 23, 29.

280. To authorize the town council of the town of Ashland to borrow money to pay indebtedness on the town hall of said town, 23, 26, 37, 113.

231. To provide for locating, establishing and constructing ditches and water courses, 28, 138, 163, 276, 277, 279, 280, 333.

278. Supplementary to an act entitled, "an act defining certain duties of clerks, sheriffs and prosecuting attorneys," passed Feb. 26, 1842, 31, 34, 37, 78, 79, 145.

179. To authorize the sale of any and all of the shares of stock held by the State in the turnpike companies of this State, and to amend section one of an act relative to the duties of commissioners of the sinking fund, passed May 1, 1854, 32.

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147. To fix the compensation of county commissioners, 33, 34, 36, 37, 72, 93, 94, 189, 211, 231, 248.

146. To provide for the removal of the seat of justice of Perry county, Ohio, from the town of New Lexington to the town of Somerset, in said county, 36, 39, 174, 176, 45, 189, 190, 218, 261, 290, 296, 297, 298, 303, 304, 305, 308, 315, 316, 337, 338, 381.

290. Making partial appropriations for the year 1859, 49, 85, 43, 47.

309. To authorize the city of Dayton to issue bonds to meet an indebtedness heretofore authorized by the General Assembly of Ohio, 50, 51, 52, 70, 113.

74. To establish additional terms of the court of common pleas, at the city of Piqua, 51, 76, 77, 81, 100, 134, 135.

299. To repeal an act passed April 11, 1856, entitled, "an act to authorize and regulate the sale of section 29, and the surrender of permanent leases thereto, in the county of Gallia, 52, 136, 167, 43, 47.

305. To authorize the town council of the incorporated village of Kilada, to levy taxes for the purpose of erecting suitable school houses, 53, 54, 58, 119, 129, 166.

313. To provide for the payment of the claim of David C. Doan, 56, 61, 106, 144, 221, 222, 248.

287. To protect gas companies, 60, 61, 62, 65, 163, 209, 214, 217, 329, 330, 346, 362.

327. To authorize the commissioners of Hamilton county to appropriate an additional sum to aid in the construction of a bridge across the White Water river, near the town of Harrison, 64, 67, 70, 71, 72, 105.

273. Requiring township assessors to ascertain the number of sheep killed and injured by dogs, 67, 113, 46, 47, 48.

339. To authorize the trustees of Crane township, in Wyandot county, to borrow money, and to levy a tax for certain purposes, 68, 71, 74, 75, 76, 105.

303. To amend a certain act entitled, "an act to authorize the commissioners of Hamilton county to surrender the lower river road and the extension thereof, to the creditors and bondholders of said road," 68, 69, 71, 74, 153, 157, 177, 194.

338. To prohibit watchmen and other police officers from claiming witness fees in certain cases, 69, 71, 74, 113, 114, 145.

314. To provide for platting and recording fractions of land, 69, 71, 74, 79, 92, 93, 113.

150. Supplementary to the act entitled, "an act to create a lein in favor of mechanics and others in certain cases," 70, 438.

295. To amend an act entitled, "an act to fix the salaries of judges in certain cases," 73, 75, 87, 108, 124, 167.

324. To authorize the commissioners of Scioto county to purchase grounds and to provide for the erection of a county jail, 80, 82, 96, 188, 193, 204, 228.

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8. To repeal the ten per cent. law, passed March, 14, 1850, 81, 82, 125, 136, 159, 160, 161, 162, 163, 167, 168, 169, 170, 171,180, 194.

341. To fix the time and provide for the holding the terms of the district court and the court of common pleas in the several counties in the several judicial districts of the State of Ohio, 81, 84, 89, 129.

336. To provide for districting any county in this State, when the commissioners of said county have failed to district in accordance with the provisions of an act to amend an act passed April 13, 1852, entitled, an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money, passed April 12, 1858, 83, 89, 91, 230, 273.

268. An act supplementary to the act fixing the fees of sheriffs and constables, 86, 89, 91, 115, 121, 130, 139, 141, 166, 194.

310. Authorising courts to order abstracts of legal advertisements to be published, 86, 89, 91, 209, 231, 248.

311. To amend the 314th section of the code of civil procedure, 86, 89, 91, 121, 122, 145.

344. To amend section 64 of an act entitled, an act to provide for the reorganization, supervision and maintenance of common schools, passed March 14, 1853, 86, 89, 91, 137, 167.

343. To authorize the commissioners of Hamilton county to surrender the Cumminsville and Clifton turnpike road to the creditors and bondholders thereof, 90, 92, 183, 204.

288. Supplementary to "an act for the encouragement of agriculture," passed Feb. 28, 1846, 91, 92, 96, 174.

355. To authorize the trustees of Green township, in the county of Scioto, to prosecute in their own name, civil actions in certain cases, relative to school lands ceded by congress to the district of country known as "French Grant," 91, 92, 96, 153, 177.

365. Making a partial appropriation to meet the current expenses of the Northern Ohio Lunatic Asylum, for the year 1859, 91, 92, 100, 143, 144, 167.

356. To authorize the making of real estate indexes, and further to prescribe the duties of county commissioners and recorders, in certain counties, 93, 98, 104, 115, 145.

368. To amend the 186th section of the code of civil procedure before justices of the peace, 93, 98, 104, 114, 124, 145.

353. To amend the 38th section of an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money, passed April 13, 1852, 95, 98, 104.

354. To amend section 415 of the code of civil procedure, 95, 98, 100, 133, 136, 139, 209, 215, 216, 231, 248.

316. To authorize the trustees of Jackson township, in Muskingum county, to sell a certain lot in the town of Fraxeesburg, 102, 106, 122, 173, 443, 444, 461.

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362. To authorize the commissioners of Coshocton county to borrow money to supply the deficiency in the treasury of said county, 102, 105, 117, 153, 157, 158, 166, 305, 306, 318, 360.

312. Requiring the probate judge of Noble county to make certain records, entries, and indexes, in the books of his office, 102, 105, 116, 220, 221, 248.

333. Amending the 12th section of the act to provide for laying out and establishing free turnpike roads, passed March 12, 1845, 103, 105, 139, 274, 276, 302.

155. Supplementary to an act providing for the punishment of crimes, passed March 7, 1835, 103, 105, 117, 460, 465.

229. Supplementary to an act fixing the time of holding the courts of common pleas in the third judicial district, 120.

124. Authorizing the examination of banking corporations in certain cases, 121, 435, 436, 446.

369. To provide for releasing ministerial and school sections in Homer township, Morgan county, 124, 128, 139, 167, 172, 178, 194.

307. To authorize the commissioners of Franklin county to sell the Infirmary Farm of said county, and to provide for the erection of a jail in said county, 124, 128, 139, 152, 188, 228.

260. To amend the 7th section of the act entitled, "an act for the prevention of gaming," passed March 12, 1831, 129, 152, 177.

209. For the relief of John W. Allen, 137, 142, 155, 156, 159.

394. To authorize the Board of Education of the incorporated village of Woodsfield, to borrow money for school house purposes, 144, 146, 147, 150, 151, 177.

330. To authorize the commissioners of Lawrence county, in this State, to set apart a portion of the funds collected for road purposes, and to make specific appropriations of the same, 144, 146, 147, 148, 229, 230, 273.

381. To authorize courts to give effect to the intention of parties and officers, by curing defects, omissions, and errors, in instruments and proceedings, 144, 146, 148, 201, 206, 215, 248.

322. To amend section 54 of the act entitled, "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, 145, 146, 148, 187, 194, 195, 228.

373. For the relief of Goldsmith Coffeen, 145, 146, 150, 177.

331. To amend an act concerning the relation of guardian and ward, passed April 12, 1858, 146, 150, 176, 224, 227, 274, 363, 396.

302. To exempt agricultural fair grounds from taxation, 149, 150, 155, 181.

366. An act to provide for taxing in cost bills the expense for procuring transcripts and records, 149, 150, 155. 181, 184, 190, 192, 210, 214, 215, 248.

385. To amend an act entitled "an act to authorize the erection of town halls," passed February 24, 1848, 149, 150, 155, 205, 220.

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346. To provide for the working of unfinished turnpike roads by supervisors of highways, 154, 156, 176, 258, 264, 265, 302.

396. To authorize the Board of Education of the incorporated village of Newark, to borrow money, 154, 156, 182, 204.

289. To amend section 12, of an act passed February 21, 1849, for the better regulation of public schools, 157, 164, 174, 187, 196, 444.

376. To authorize the lessees or their assignees of section twenty-nine, town two, range two, between the Miami rivers, in Butler county, Ohio, to surrender their leases and receive deeds, 157, 164, 171, 172, 173, 202, 248.

363. To authorize the county commissioners of Licking county to borrow money, 158, 164, 176, 194, 228.

358. To authorize county commissioners to alter or change the boundaries of election precincts, 161, 164, 176, 333, 339, 362, 421, 444, 473, 479, 486.

387. To exempt from sale and execution certain property therein named, 167, 172, 175, 195, 202, 228.

403. To authorize the lessees of ministerial section twenty-nine, in Salem township, Meigs county, to surrender their leases, and receive deeds, 173, 266, 302.

400. To amend section 14, of an act entitled "an act relating to juries," passed February 9, 1831, 173, 175, 176, 181, 194.

315. To authorize the Board of Education of the special school district, composed of the incorporated village of Logan, in this State, with the territory thereto annexed for school purposes, to borrow money and issue bonds for school house purposes, 173, 175, 182, 204.

98. Supplementary to the act entitled an act to encourage the organization of fire companies, passed April 3, 1857, 178, 367.

285. To regulate the business of fire and marine insurance companies in the State of Ohio, 46.

352. To authorize the trustees of Boston township, Summit county, to levy a tax for a special purpose therein named, 186, 187, 210, 211, 248.

428. Appropriating money for the repair of existing breaches on the South division of the Ohio canal, 191, 199, 228.

402. Supplementary to an act entitled an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson, passed April 12, 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Henry, Harrison and Licking, 202, 203, 210, 238, 249, 250, 367, 379, 386, 395, 402.

348. To amend section one of the act entitled "an act to amend section 66, of an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed March 4, 1858, 207, 208, 295.

444. For the relief of Grandison Newell, 212, 213, 222, 248.

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430. To enable the Board of Education of the incorporated village of Delphos in the counties of Allen and Van Wert, to convey lot No. 47, in said village, 215, 219, 231, 232, 233, 249, 273.

388. To authorize county commissioners to fill vacancies in certain cases, 215, 219, 227, 273.

361. Supplementary to an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, 215, 219, 230, 286, 287, 381.

432. To authorize the council of the incorporated village of Delaware to borrow money, 215, 219, 306, 314, 315, 327, 359.

425. To amend an act entitled an act to provide for the recording of land patents, passed March 14, 1836, 222, 223, 226, 306, 334, 346, 359.

377. To amend and supplementary to an act entitled an act for the establishment and government of reform schools, passed April 2, 1858, 229, 235, 307, 318, 360.

427. Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, 229, 235, 280, 422, 473, 485.

441. To provide for the appointment of police commissioners in cities of the first class, having a population exceeding 80,000 inhabitants, and supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, 229, 235, 336, 238, 239, 241, 242, 243, 244, 245, 248, 272.

103. To provide for the collection of claims against railroad companies, 232, 288, 292, 438, 439.

380. To amend an act to authorize the incorporation of mutual insurance companies, passed April 14, 1857, 237, 240, 253, 294, 346.

417. Amendatory to an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, 237, 240, 263, 278, 302.

374. To prohibit the carrying or wearing of concealed weapons, 251, 255, 271, 279, 302.

459. In relation to public records, 251, 255, 396, 424, 446.

364. To authorize the town council of the town of Calais, in the county of Monroe, to levy a tax for the purpose of improving the streets in said town and for other purposes, 251, 255, 258, 268, 301, 328, 378, 379, 386, 446.

386. To compel railroad companies to build culverts and construct outlet ditches in certain cases, 251, 255, 286, 296, 442.

415. Supplementary to the act entitled, "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853, 251, 255, 325, 326, 346, 359.

434. To punish trespassers on public and other lands, 255, 306, 325, 359.

455. Relative to jurors, 256, 264, 304, 313, 321, 322, 332, 346, 366, 367, 370, 396.

423. To amend the act entitled an act prohibiting any citizen of this State from holding by appointment, more than one of several offices at the same time, 256, 264, 306, 310, 360.

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431. To authorize the commissioners of Henry county to borrow money to pay the county debt, 256, 264, 306, 341, 369.

424. To amend section 32, of an act entitled an act regulating the fees of county auditors, passed March 19, 1838, 256, 264, 306, 336, 363, 396.

456. To authorize associations of persons for carrying freight on any of the navigable waters of this State and the lakes and rivers bordering thereon, 265, 270, 306, 404, 405, 414.

461. To relieve the sureties of executors and administrators, 265, 269, 306, 469, 470, 477, 482.

23. Providing for inclosing railroads by fences and cattle guards, 270, 276, 315.

457. To authorize the opening of a county road through lands owned by the State in Franklin county, Ohio, 277, 283, 287, 301, 346.

11. To establish a superior court in Butler county, 282.

460. To prevent the running at large of swine, 284, 291, 304, 335, 344, 362, 367.

50. Supplementary to the act entitled, "an act to create a lien in favor of mechanics and others in certain cases," 288.

436. To amend an act for the reorganization, supervision and maintenance of common schools, passed March 14, 1859, 289, 291, 306, 433, 434, 455, 556, 471, 481.

384. To amend the 42d section of an act entitled, an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, 289, 291, 306, 416, 430, 446.

468. To repeal the 6th, 7th and 8th sections of the act entitled, an act to incorporate the several turnpike companies therein named, in Green county, 293, 298, 364, 423, 424, 454, 456, 462, 475.

469. To provide for the election of supervisors of roads, being an act supplementary to an act for the incorporation of townships, passed March 14, 1853, 293, 298, 387, 415.

411. Relating to the partition of real estate, held in common by religious societies, 293, 298, 327, 360.

437. To authorize county agricultural societies to sell fair grounds in certain cases, 293, 298, 335, 362.

406. For the further organization and discipline of the militia and volunteer militia, 294, 298, 324, 333, 359.

375. To prevent and punish fraud in the use of false stamps, brands, labels or trade marks, 294, 298, 355, 363, 381.

446. To authorize the board of education of the incorporated village of Malta to borrow money for school house purposes, 294, 298, 301, 309, 360.

467. To amend the 6th section of the act entitled, an act further to amend the act entitled, an act to preserve the purity of elections, 294, 298, 412.

474. To amend the 10th section of the act relating to juries, passed February 9, 1831, 294, 298, 335, 380, 402, 414.

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473. To authorize the commissioners of Henry county, to issue bonds to facilitate the completion of the Maumee river bridge at Napoleon, 294, 298, 301, 322, 359.

57. Relative to the claim of Dennis McCarthy, on Lancaster Side-cut, 295.

159. To provide for the regulation and support of the common schools in the city of Cleveland, 299, 309, 310, 312, 313, 323, 360.

383. To repeal an act therein named, 299, 309, 425 455, 465.

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APPENDIX TO SENATE JOURNAL.

REPORT

OF THE

SELECT COMMITTEE ON RULES.

The Select Committee of three, appointed to revise and correct the rules adopted for the government of the Senate, has performed the duty assigned to it, and submits the following rules, recommending that they be adopted by the Senate, and that the present rules be rescinded:

RULES:

OF THE RIGHTS AND DUTIES OF THE PRESIDENT.

1. The President shall take the Chair, precisely at the hour to which the Senate shall have adjourned on the preceding day; and shall immediately call the Senate to order.

2. The President shall examine and correct the Journal before it is read; he shall have the general direction of the Hall; he shall have the right to name any Senator to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

3. He shall preserve order and decorum in the proceedings of the Senate; and in case of any disturbance or disorderly conduct in the lobby, the President, or Chairman of the committee of the whole Senate, shall have power to order the same to be cleared.

4. The Senate shall elect, at the commencement of the session, the following Standing committees, each to consist of not less than three nor more than five Senators: a committee on Privileges and Elections; on the Judiciary; on Finance; on Claims; on Public Works and Public Lands; on Roads and Highways; on Railroads and Turnpikes; on Common Schools and School Lands; on Universities, Colleges and Academies; on Medical Societies and Colleges; on the Militia; on Agriculture; on Manufactures and Commerce; on Municipal Corporations; on Corporations

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other than Municipal; on the Currency; on Benevolent Institutions; on the Reform School, and the Asylum for Idiots; on the Penitentiary; on the Library: on State Buildings; on New Counties; on Retrenchment; on the Salaries and Fees of Public Officers; on Public Printing; on Federal Relations; on Unifinished Business; on Enrollment; and on Revision; to which last named committee all bills when engrossed, and before their passage, shall be delivered to the clerk, and said committee shall carefully revise the phraseology thereof, and re-arrange the sections when necessary, carefully preserving the true intent and meaning of said bills, as ordered to be engrossed.

5. All other committees shall be appointed by the President, unless it shall be otherwise directed by the Senate, in which case, they shall be appointed by a vote of the Senate.

6. The President shall sign all acts, addresses, and joint resolutions, *when passed by both houses;* and all writs, warrants and subpœnas, issued by order of the Senate, shall be under his hand, attested by the Clerk.

OF THE RIGHTS AND DUTIES OF SENATORS.

7. Whenever a Senator is about to speak, he shall rise from his seat and respectfully address himself to "Mr. President:" and the President shall announce him as "The Senator from ———" [naming his county.] The Senator may then speak, either from his seat or from the seat of any other Senator tendered him for the purpose, or from the stand.

8. In all cases, the Senator who shall first rise and address the President, shall speak first; but when two or more Senators shall rise at once, the President shall announce the Senator who is first to speak.

9. No Senator shall speak more than twice to the same question, except in committee of the Whole Senate or by leave of the Senate; and he shall confine himself to the question under debate, and avoid personality.

10. Any Senator, while discussing a question, may read from books, papers or documents, any matter pertinent to the subject under consideration, without asking leave.

11. Any Senator may call for a statement of the question, which the President may give sitting.

12. Any Senator may call for a division of the question, and the decision of the President as to its divisibility shall be subject to appeal, as in questions of order.

13. Every Senator present, when the question is put, shall vote, unless

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the Senate, for special reasons, excuse him. A request to be excused from voting shall not be in order unless made before the Senate divides, or before the call of the yeas and nays is commenced; and any Senator requesting to be excused from voting, may make a brief statement of the reasons for making such request, and the question shall then be taken without further debate.

14. While the President or Chairman is putting any question, or addressing the Senate, no one shall walk across the chamber, and while a Senator is speaking no one shall pass between him and the chair. No person other than the Clerk shall remain at the Clerk's table while the ayes and noes are being called, or ballots being counted.

16. Any Senator has the right to demand the yeas and nays upon any question before it is put; and upon such demand the Clerk shall call the names of Senators in their alphabetical order; and before the result is declared shall read over the names of those voting in the affirmative, and those voting in the negative.

17. Any two Senators shall have a right to demand a call of the Senate, and to send for absent Senators; and upon the call of the Senate, the names of Senators shall be called by the Clerk alphabetically, and the absentees noted

18. Any three Senators have a right to demand the previous question.

19. No Senator shall vote on any question in the event of which he is individually interested.

ORDER OF THE BUSINESS FOR THE DAY.

20. As soon as the Senate is called to order, a quorum being present, the journal of the preceding day shall be read by the Clerk, and, if necessary, corrected by the Senate.

21. As soon as the journal is read and corrected, as aforesaid, the President shall call for ——. The presentation of petitions and memorials; bills for their second reading; bills for their third reading; notices of intention to introduce bills; the introduction of bills on leave; the reports of standing committees; reports of select committees. The above business shall be disposed of in the order in which it is arranged, and shall not be in order at any other time, unless by leave of the Senate.

22. Every petition and memorial shall be referred, on motion, without putting the question for that purpose, unless the reference is objected to at the time of its presentation; no petition or memorial shall be printed unless by special order of the Senate.

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23. Messages from the House, and communications from either branch of the Executive Department of the State, may be received, read and disposed of at any time, except when the President is putting a question, while the yeas and nays are being called, or while ballots are being counted.

24. The interim between any two sessions of the Senate, on the same day shall be termed a recess; and on re-assembling at the appointed hour, any question pending at the time of taking such recess shall be resumed without any motion to that effect.

ON MOTIONS AND QUESTIONS.

25. Every motion shall be reduced to writing, if the President or any Senator so desire.

26. When a motion is made and seconded, it shall be stated by the President; or being in writing, it may be read to the Senate, by the Clerk before debate.

27. After a motion is stated by the President, or read by the Clerk, it shall be deemed to be in possession of the Senate, but may be withdrawn by leave of the Senate, at any time before a decision or amendment.

28. All questions, whether in committee or Senate, except privileged questions, shall be put in the order in which they are made, except in filling blanks, the largest sum, and the longest time shall be first put.

29. Questions shall be distinctly put in this form: "You who are of opinion, (as the question may be,) say 'aye,'" and after the affirmative voice is expressed, "those of a contrary opinion say 'no.'" If the President doubt, or a division be called for, the Senate shall divide; those in the affirmative of the question, first rising from their seats; and afterwards those of the negative, and the President shall determine by count, announcing the number.

30. When a question is under debate, no motion shall be received but to adjourn; to take a recess; to lie on the table; for the previous question; to proceed to the orders of the day; to postpone to a day certain; to commit; to amend; to postpone indefinitely; which several motions shall have precedence of each other, in the order in which they are arranged.

31. When at motion is made to commit to a committee of the whole Senate, or to a standing committee, it shall not be in order to amend such motion by substituting any other committee; but if any other committee be suggested, the motion shall be first put upon the committee first named,

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and afterwards upon the committee or committees suggested, in the order in which they are named; but a motion to refer to the committee of the whole Senate, to a standing committee, or to a select committee, shall have precedence in the order here named.

32. A motion to postpone to a day certain, or indefinitely, being de cided, shall not be again allowed at the same stage of the bill or propo sition.

33. A motion to adjourn shall be always in order; but being decided in the negative, shall not be again entertained until some motion, call, order or discussion shall take place.

34. The following questions shall be decided without debate, to-wit To adjourn, to take a recess, to lie on the table, to take from the table, to go into Committee of the Whole on the orders of the day; and all questions relating to the priority of business.

OF AMENDMENTS.

35. No motion or proposition upon a subject different from that under consideration, shall be admitted under color of amendment.

36. A motion to strike out, and insert, shall be deemed divisible; and a refusal to strike out, shall be equivalent to agreeing to the matter in that form, but shall not preclude further amendment by way of addition.

RECONSIDERATION.

37. A motion to reconsider a vote must be made by a Senator voting with the majority; or in case of an equal vote by a Senator voting with the prevailing side of the question — except when a bill shall fail on its final passage for want of the constitutional number of votes, when the motion to reconsider may come from any Senator voting on the question. And such motion shall only be admitted when made with reference to the last action of the Senate upon the subject, and within the next two days of actual session of the Senate, after such vote was taken; and when the motion is to reconsider the vote upon the final passage of a bill, the same shall take precedence of all other motions, except a motion to adjourn.

THE PREVIOUS QUESTION.

38. The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by three Senators, and, until decided, shall preclude further debate, and all

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amendments and motions, except one motion to adjourn, one motion to take a recess, and one motion to lie on the table. All incidental questions, or questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, without appeal and without debate.

39. On a motion for the previous question, and prior to voting on the same, a call of the Senate shall be in order; but after the demand for the previous question shall have been sustained, no call shall be in order, and the Senate shall be brought to an immediate vote — first upon the pending amendments in their order, and then upon the main question.

40. If a call for the previous question be not sustained, the subject under consideration shall not thereby be postponed, but the business shall proceed as if no such call had been made.

QUESTIONS OF ORDER.

41. If any Senator, in speaking, or otherwise, transgress the rules of the Senate, the President shall, or any member may, call to order, and the Senator called to order shall take his seat, if required to do so by the President, until the question of order is decided.

42. All questions of order shall be decided by the President without debate; such decision shall be subject to appeal to the Senate by any two Senators, on which appeal no Senator shall speak more than once, unless by leave of the Senate, and the President may speak in preference to Senators, rising from his seat for that purpose.

43. If the decision be in favor of the Senator called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any Senator object, without leave of the Senate.

44. If a Senator call another to order for words spoken in debate, he shall, if required by the President, reduce to writing the language used by the Senator which he deemed out of order.

45. All questions of order, with the decisions thereon, from which an appeal may have been taken, shall be noted by the Clerk, and put together at the end of the Journal at each session.

OF COMMITTEES.

46. The several standing and select committees of the Senate shall have leave to report by bill or otherwise; and it shall be in order for the

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committee on Enrollment to report at any time when the Senate is not otherwise engaged.

47. All reports of committees shall be signed by such members thereof, as concur therein, and the same shall be read by the Clerk, or at the Clerk's desk, by the Senator making the report, without a motion unless the reading be dispensed with by the Senate.

48. No committee shall sit during the sitting of the Senate, unless by special leave.

OF COMMITTEES OF THE WHOLE.

49. When the Senate shall be ready to proceed to the orders of the day, a motion to go into committee of the whole Senate on the orders of the day shall have precedence of all other motions, except to adjourn, to take a recess, and for the previous question.

50. In forming a committee of the whole Senate the President shall leave the Chair, and appoint a Chairman, who shall preside and vote as other Senators.

51. In a committee of the whole, bills shall be read by the Chairman or Clerk, and considered by sections, unless it shall be otherwise directed by the committee, leaving the preamble to be last considered; the body of the bill shall not be defaced, or interlined, but amendments shall be noted by the chairman or clerk, on a separate piece of paper, as the same shall be agreed to by the committee, and so reported to the Senate; after being reported the bill and amendments of the committee shall be immediately taken for consideration, unless it shall be otherwise ordered by the Senate, and again be subject to discussion or amendment before the question to engross the bill be taken.

52. The rules of proceeding in committee of whole, shall be the same as in the Senate, so far as may be applicable.

OF BILLS.

53. Every bill shall be introduced on the report of a committee, or by motion for leave; in the latter case, at least one day's notice shall be given on the motion. All bills shall be considered in the order in which they are introduced, unless the Senate shall otherwise direct; and no bill shall be introduced for any private or corporate object, for which provision is made by general law, except for amending or repealing such general law.

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54. If opposition be made to the bill, on the first reading, the question shall be, "Shall the bill be rejected?" If the bill be not rejected, it shall pass to a second reading, in the order of proceeding.

55. On the second reading of a bill, the President shall state that it is ready for commitment or engrossment; and if no motion or order be made to the contrary, it shall be committed to a committee of the whole Senate, to be considered in its order; if the bill be ordered to be engrossed, the Senate shall direct on what day it shall be read a third time. Amendments to all House bills, when altered or amended by the Senate, shall be engrossed in like manner as Senate bills, preparatory to their third reading.

56. When a question is lost, on ordering a bill to be engrossed for a third reading, on a particular day, it shall not preclude a question to order it to be engrossed for a third reading on a different day, unless a division be called for; but if on a division, the question on engrossing a bill without including the time for its third reading, shall fail, the bill shall be considered as lost.

57. Bills standing in order for a third reading, shall be taken up and read without a motion to that effect, and the question shall be put, "Shall the bill pass?" unless otherwise ordered by the Senate.

58. When a bill has passed the Senate, the President or Clerk shall read its title, substituting the word "act" for the word "bill," and the President shall demand if the Senate agree to its title; and if the Senate is agreed, the Clerk shall make out the title accordingly, and shall certify the passage of the bill upon the back thereof.

59. After commitment and report thereof to the Senate, or at any time before its passage, a bill or resolution may be recommitted; but after bills have been read the third time, and put upon their passage, they shall not be recommitted for the purpose of amendment, except under instructions from the Senate, which instructions shall embody, substantially, the amendment or amendments proposed.

60. All bills shall be printed and distributed for the use of Senators before the second reading thereof.

OF RESOLUTIONS.

61. The yeas and nays shall be taken upon all joint resolutions which do not give rise to debate.

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ADMISSION OF VISITORS WITHIN THE BAR OF THE SENATE.

62. During the sitting of the Senate, no person shall be admitted within the bar of the Senate, excepting Members of the two Houses, their Clerks, Assistants, and other Officers, or persons charged with any message or papers for the Senate, Clergymen by invitation of the President, the Governor of this or any other State, Judges of the Courts, Heads of the different Departments, Members of Congress, gentlemen who have been Members of either branch of the Legislature of this State, and those who for the time being are Members of the Legislature of other States, and Ladies visiting the Hall—together with such other persons as may, at any time, be specially invited by any Member of the present Senate; and the use of the Hall of the Senate shall not be granted, at any time, by resolution or otherwise, for any other than legislative purposes.

OF THE RULES OF THE SENATE.

63. These Rules shall not be altered, except after at least one day's notice of the intention of alteration; and no rule shall be suspended, except by a vote of at least two-thirds of the Senators present.

64. Cushing's Manual shall be received as a rule in all cases not provided for in the foregoing Rules.

Respectfully,

E. BASSETT LANGDON,
NEWTON SCHLEICH,
C. H. GATCH.

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REPORT OF ADJUTANT GENERAL.

ADJUTANT GENERAL'S OFFICE,
COLUMBUS, January 10th, 1859.

GOVERNOR S. P. CHASE, *Commander-in-Chief:*

The act to organize the Militia and Volunteer Militia, passed March 28, 1857, has called into existence a State Militia. The constitutional officer, whose duty is at once made prominent and essential in such an organization, had, until that time, no other duties than the issue of commissions to the officers in command of a few companies scattered over the State. These companies were sustained at great expense to the members; and the absence of a controlling, regulating center, and proper legislation respecting the uniform and organization of the Militia, involved many serious evils.

While some companies indulged in extravagant uniforms, as their peculiar claim to favor, others were organized upon the basis of distinctive nationalities, necessarily excluding that fraternity of feeling which attends a common discipline and direct accountability to the State.

Not a single complete regiment existed in the State. Not even one compact, well combined, and well disciplined battalion, could be rallied, at any one point, in any event.

Under the present act, ten battalions have been organized, uniformed and equipped, and at least two regiments, of seven companies, could be depended upon, at call.

In the development of this force, every matter connected with the military affairs of the State, except the charge of the arsenal, and the immediate issue of arms, has necessarily fallen within the sphere of my official duty. To make a report of the enrollments only, would be to omit matter

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of substance. I deem it my duty, therefore, to state, as briefly as possible, the condition of the militia system, as at present organized, and matters of importance germain thereto.

THE PUBLIC ARMS.

A State Arsenal, with conveniences for the repair and alteration of arms is a necessity. It will be especially needed if the State shall realize from the General Government its arrearages of public arms. To this matter attention should be given. Between the year 1845, and the passage of the late act of Congress, arms were issued to this State upon the enrollment of 1845. By neglect to adopt the new census of 1850, which indicated so large an increase of the number liable to bear arms and to renew the enrollment, the State failed to receive a large part of the arms to which it was entitled. In the absence of a militia law, the Adjutant General's office was a cipher, or only a petty clerkship, and the whole matter was neglected.

It is probable that such an approximation to the true number of males subject to military duty, could be procured, as would satisfy the General Government, and secure the arms, or their equivalent. Should the Legislature deem the matter worthy of investigation I shall cheerfully contribute whatever aid I can render in the premises. The value of such arrearages is probably not less than from *seventy to eighty thousand dollars*, if computed for the whole period.

It is unnecessary to add anything concerning the propriety of having all bonds for arms returned to the Quarter Master General. It is not less important, that active measures should be taken to protect the arms in use. The bond is inadequate. Its forfeiture is determined after the arms are lost or ruined. Officers change, companies disband, and arms are lost, long before the remedy is thought of. The evil lies in permitting the distribution among the privates. The law requires armories for the safe keeping of arms, but it is known, at this office, that armories are not in all cases provided, and that many new arms are already employed upon farms, at hunts, and for all uses, except those legitimately their own. The Adjutant General may issue order after order, requiring a report of arms in use by every corps in the State, and where, and how they are preserved; but that is not enough. When inspectors report a violation of law, or neglect to report at all, the Adjutant General should be authorized to require their collection by the Quarter Master General, and their return to the State

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Arsenal. The bond itself should also contain, substantially, such a condition. Unless some such system of active supervision and accountability, without the delay of a court martial, or an action at law, be maintained, a large number of arms, now new and valuable, will be ruined by neglect. The very existence of such a provision, would be an inducement to secure a better care of the property of the State. Besides this, the inspection of the arms and men, is, intrinsically as beneficial as their drill in the manual itself; and the liability to loss of arms upon misuse of them, would be a penalty which they would respect, if any pride of corps existed whatever.

In our draft of arms, we seldom get the best. The State of New York, for two years, refused to accept its quota, on this account. During the past year, better arms have been received; but for many years, our fund was exhausted by useless revolvers and altered muskets. We need those arms which are servicable, and will supply the largest force. A few caissons, however, are needed. The report of the Quarter Master General (which, by an amendment of the law, should be made to this office,) states the number and kind of arms now in his charge. The following is a statement of arms in *actual service*, as gathered from returns to this office, and the report of Col. Wood, late agent for the collection of arms, to-wit:

ARMS IN SERVICE.

Muskets (Flint Lock)	896
do. (Percussion)	2,894
Rifles (Flint Lock)	40
do. (Percussion)	978
Musketoons	50
Carbines	125
Total	4,983
Swords (Cavalry)	299
do. (Artillery)	325
do. (Non-Com. Off.)	220
do. (Musicians')	34
Total	878
Brass Cannon	38
Caissons	17
Harness (Sets)	146

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Pistols (Flint Lock)	368
do. (Percussion)	271
do. (Revolvers)	72
Total	711

It will be seen that, of the arms received during the last twenty years, but a small part are in actual service, and *many of these* are comparatively useless. Some have been sold, under the Resolution of General Assembly to that effect, with advantage to the State, but an immense number have been lost.

Additional to the arms in use, there are in the Arsenal, subject to alteration under Resolution of General Assembly, the following stand of arms, to wit: 400 muskets, 100 rifles, 200 pistols—sufficient, taken together, to arm 500 men.

The arms in use might poorly supply their legitimate proportion, to wit, 4,861 men. But, in fact, men will not thoroughly uniform and equip, in the use of carbines, and old-fashioned flint-lock muskets. Such companies as have done so, have organized with view to exchange them for new pieces.

Unfortunately the provisions of law do not authorize this exchange, and only by order of the Commander-in-Chief, derived from his necessary discretion, as such officer, can any such exchange be made. The result is, that well-established companies, which have accepted and complied with the provisions of the new law, are using the old style of arms. A single provision, incorporated in an amendment to the act to provide for the safe keeping of the public arms, *providing: that the Commander-in-Chief shall from time to time issue such general orders, and make such necessary regulations concerning public arms, and the organization and government of the militia, as are proper and necessary, with view to the better promotion of the discipline and order of the same, would supply this and kindred deficiencies.*

With regard to the whole matter of arms, it is not too much to say, that the long continued indifference to the organization of the militia has resulted in a loss to the State of many thousand dollars. The alternative seems to be, to lock up every thing, or to secure such a respectable and respected organization as will command an active interest in the care of the military property of the State.

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THE PRESENT ORGANIZATION AND LAW.

While the present law contains many verbal inaccuracies and inconsistencies which affect its lucidness and force, and which it was the main design of last winter's bill to remedy, it is, in the main, adequate to its object. Many defects have been supplied by general orders, particularly respecting Returns and Sunday encampments, requiring the former, and forbidding the latter. A well digested amendment is all that is necessary.

ENROLLMENT.

The law requires an enrollment, as did the law of 1831, with its return to the War Department at Washington City, while the act of Congress has been repealed which made such an enrollment the basis of the issue of arms. The new constitution had that act undoubtedly in view. Unless the state desires to use this catalogue of names to designate what persons are liable to be called upon to do military duty, in the remote contingency of the volunteer militia being insufficient to meet any emergency requiring their services, the provision is needless and expensive. *An enrollment of one year costs more than to build a suitable State Arsenal.* The repeal of the section, or the giving to the Governor full authority to suspend the enrollment, as the constitution does *not* require it to be made *annually*, would enable the state to place in the State Arsenal, camp equipage, proportioned to the number of arms in possesion of men actually uniformed and equipped, and to furnish each regiment and battallion with a set of colors and drums. The state can far better afford to appropriate five or ten thousand dollars, annually, to maintain its complement of arms and equipments, and secure such as are not provided by General Government, than to spend thirty thousand dollars annually in such enrollment.

The enrollment for 1858, as far as returned, embraces 233,677 names, from eighty-two counties, as per schedule attached.

GENERAL OFFICERS.

One serious and radical defect, and one which has been a mischief wherever enacted, is the surperfluous number of general officers. The State of New York is divided into divisions—eight in number—corresponding to the judicial districts. A similar plan, allowing two brigades, or, in some cases three, to each division, would have been a signal improvement to our present system. This clause was copied from the law of 1831; and, strange

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though it be, the legislature of Pennsylvania, at its last session, adopted both our law, in substance, and the division and brigade system with it.

It is a question whether the rights of officers elected, could not be preserved, and yet provisions be made for the gradual diminution of the number. There has been one redeeming feature, however: some of the ablest and best men have consented to fill these offices, and with rare exceptions there has been a disposition to put such men in command.

UNIFORM.

The uniform of the U. S. Army, according to the regulation of 1857, was adopted by the act of March 28, 1857, and it is *serviceable, cheap* and *becoming.* Its cost, complete, is, for infantry, $21 50, and for light artillery $12 50. Owing to the detail of nearly the entire Federal army to the Plains and to Utah, a modification was made, introducing a felt hat. No State has followed the example; and while the specific object of the change was a good one, there is no reason why we should fluctuate as the U. S. army fluctuates. Some might prefer the new hat; but it is no cheaper, and any change would at once break up the uniformity, which now, with few exceptions, characterizes our militia.

This matter of a common uniform, is a vital element in the organization. It compels companies to vie with each other in discipline, instead of show and splendor of dress. The present uniform corresponds, in the main features, with that of all the Eastern, and most of the sea-board States, and also with the new French and Prussian uniform, from which, for its simplicity and cheapness, it was borrowed.

STRENGTH OF FORCE.

About one hundred and fifty companies have been organized under the present law, or have accepted its conditions. It is safe to rate the force, including those now uniforming, at four thousand men. Many thousand dollars have been expended, and much pains taken to make this force effective. They deserve well of the consideration of the Legislature in respect of the best method of their encouragement. The scarcity of arms has, in part, prevented a more rapid and thorough organization; but the universal disappointment at finding the provisions of the law of 1857, respecting camp equipage, colors and drums, useless, for want of an appropriation to supply the necessary fund, has done more to discourage counties which had

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in view to organize full battalions. In some sections of the State the organization has enlisted the personal interest of all the leading citizens; and no party questions have been suffered to interfere with its development. Lest some should see the nucleus of a large organization in the number now enrolled, it is sufficient to say that the number never can exceed the number of State arms. Even, at present, few Brigades embrace compact, well balanced battalions; such as have learned to act in concert, and to know the value of rigid system and business-like strictness in all their progress. The system has reached a point, however, where large investments on the part of its friends who desire thoroughly to test it, call for some recognition by the General Assembly of what has been done to execute the law, which, under the Constitution, has been placed upon the statute book.

The manner in which this aid should be rendered is a matter of importance. The majority of States, north and south, are providing amply, by actual pay, for a small well drilled Militia. They also provide, in addition to the supplies from the General Government, the other equipments before named, and issue them under bonds for safe-keeping, as in the case of arms.

The supply of tents need not be adequate for the whole force; but may be issued, as in New York, to Brigades in turn, and be returned promptly, and in good order, to the State Arsenal, at the close of encampments. Thus a few hundred tents would accommodate the whole force, which in any one season would require their use.

Encampments, without tents, are places where the soldier learns little that is good, and much that is evil. To be profitable, they must have the machinery of a camp, and then they can have its discipline. The sum of five thousand dollars, judiciously expended, would provide the State with colors, drums, tents, forge and such other stores and supplies as would give availability to the present force and its prospective increase, and establish that completeness of equipment, without which, that which we have, loses much of its value.

This sum is probably less than one-fourth of the cost of a single annual enrollment.

COMPENSATION OF MILITIA.

It is evident that the Militia, which have already purchased their uniforms, and rented armories, should not be obliged to buy their tents and equipments.

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Various methods have been devised for the partial pay of a limited volunteer force, and the compensation provided by different States, is clearly stated in the report of the Military Committee of the House of Representatives to the present General Assembly.

The commutation system is clearly unconstitutional, as well as oppressive upon the poor.

In the present state of our finances, a strong dislike is entertained for a special tax. It has been demonstrated, however, in many States, and the Legislature of Connecticut passed their present law upon the avowed fact, that the old style of "Militia training" cost the commonwealth, in waste of arms, in idleness and dissipation, more than a sufficient sum to pay a well regulated and efficient force; and that, to pay for actual *time* employed at reasonable rates, was true economy in the State.

I would respectfully suggest a plan which would secure a well disciplined force, guard against waste of the funds, and be limited to the actual equivalent received by the State. In my judgment, it would pay for itself, in the better care of the public arms, and prove the most economical method to secure that end.

Take, as the basis, the number of good and sufficient State arms.

Set apart as a military fund, from three to five dollars apiece, to wit: from $12,000 to $20,000.

Require thorough inspection by each Brigadier-General and a return of the uniformed force of his Brigade to the Auditor of his County. Require from him a bond that he shall return no officer or soldier who has been delinquent in respect of fines, who has neglected drills or been absent from legal parades, who has been guilty of intemperance on such occasions, or other unsoldierly conduct, who has failed to comply with the requisitions of law, or who, on careful inspection, has proved ignorant of the manual of arms and the school of the soldier.

Provide that a draft of money, upon false returns shall subject the officer to loss of commission and the penalty of imprisonment.

Upon such return, the Auditor shall certify the same in duplicate to the Governor, for comparison with the Adjutant-General's records, and to the Auditor of State—the sum to be paid as other sums, upon sufficient voucher.

This fund so drawn shall not exceed at the rate of one dollar per man, officer and private alike, for each day of legal muster, not to exceed five days per annum.

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The money shall be distributed to companies and men on the foregoing basis.

This basis is well ascertained military proficiency. The worthless and trifling, and all who are too indolent to learn, are subjected to inspection, and as a necessary sequence, they who receive the pay, will be those whom the State is willing and can afford to pay.

The main objection to such disbursements, that the money is thrown away, will be answered.

At all events, one trial would test the matter, and the system, with such safe guards, would commend itself to the people of the State as an earnest effort to test the virtue of our volunteer militia, and give efficiency to this constitutional requirement.

Neither is there any exclusiveness, except what the supply of arms determines. On the other hand, the inefficient will soon be lost sight of, in the struggle to excel, until we shall have a small, but reliable force, sufficient for any probable contingency, and yet not large enough to be a pecuniary burden to the State. It will be flexible and well balanced, and capable of use, whenever and wherever required, so that its locality becomes immaterial.

The compensation is too small to be an inducement, of itself, but allows common wages for the time expended.

To provide for such a fund, requires simply the transfer to that purpose, of that extra sum, which, during the year 1858, was expended upon township assessors in the enrollment, and which has been shared proportionately by every portion of the State.

In other words, the repeal of the enrollment clause, which involves annually an expense equal to this fund, will afford at least the opportunity to make the experiment, without a greater nett expense than was incurred under the militia system during the year 1858.

Moreover, the force provided for, while sufficient, is less than that sustained by most of the smaller States. The Roster of the Connecticut militia, alone, just received, exhibits eight full regiments, under pay.

DISCIPLINE.

General orders have been issued, prescribing such field movements for batalion exercise, as are least technical and most practical in the exgencies, which, even in the best regulated State will arise, and call for the aid of

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a military force. That, relating to Sunday Encampments has been already referred to, incidentally. It has been especially enjoined, that every act of intemperance of an officer, or soldier, when in uniform, be visited with prompt trial and condign punishment. The First Division of N. Y. State Militia owes much of its reputation to its rigid discipline in this respect. Informal complaints have reached this office concerning the delinquency of several General officers, in respect of Uniform, Inspection, Returns, and, in two cases, of Intemperance. Whenever formal charges shall be filed, there will be no alternative but their subjection to the same ordeal which requires, of the officer, certainly as much decorum and faithfulness to his charge, as of the humbler private.

CAMP OF INSTRUCTION.

The Commander-in-Chief should have authority, once a year, to convene the officers, and such limited force as would be appropriate, and organize a camp of instruction, where the officers should be drilled in the school of the soldier, as well as in their own duties.

There is danger that officers will throw upon their adjutants the burden of discipline, and know little of their command, except its pomp and circumstance. Their inspection at such a camp of instruction as is provided in most States, will furnish some opportunity to scrutinize their proficiency.

AID TO CIVIL FORCE.

Few cases have arisen for the demand of military aid on part of the civil power, yet the history of many cities, including Cincinnati, shows how unexpectedly a State is made to feel the value of such a force. The only occasion for its employment the last year, has been to guard the insecure jail at Portsmouth, and to secure order in the execution of criminals. Two instances have come to the knowledge of this office, where, at the instance of mayors, or parties soliciting their interference, troops have been held ready to appear at a moment's warning. The control of the railroad property at Chillicothe by a mob, threatened, for a while, to require the same force, and suitable preparation was made. The vigilance of the local authorities and the influence of the citizens, however, rendered military aid unnecessary.

There can be no doubt that the presence in the State of a well-commanded and disciplined force, has a moral power, in support of law and

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order, that is immense, though fully appreciated only when its aid is invoked.

THE MILITIA OF OTHER STATES.

During the summer of 1858, by the courtesy of the general officers of the first division of the New York State militia, and the adjutant generals of the States before referred to, I visited their State arsenals, and also attended their brigade and regimental reviews and field exercises. In each State the uniform is, in the main, similar to our own; but in each State the Legislature takes active means to make the force efficient. The arsenals are supplied with well-assorted stores, and as a consequence, whenever a force is required, its equipment is at once complete. Referring to abstract of House Committee's report in this matter, attached, it is sufficient to add, that Ohio pays less attention to her arms and the equipment of her small militia corps, in proportion to her position and resources, if not *absolutely* less, than any other State of the Union.

THE ADJUTANT GENERAL'S OFFICE.

The duties devolved upon this officer have become manifold and exacting.

1. *The issue of Commissions.*—This involves the examination of returns from all parts of the State; the correction of informalities, through new elections or otherwise, as circumstances require; the order for elections in counties having no general officers; the instructions of new organizations as to the manner and forms of procedure; the filling of commissions and procuring their record in the Secretary of State's office, as well as upon the books of this office, and the correspondence which accompanies their distribution.

The number issued under the present law is nearly 1,200, and has reached the number of 60 monthly in some instances. Arms are only issued to companies that have uniformed, in order to obtain *that pledge* that they will be appropriately used and cared for. Each company must also first secure a certain number, pledged to serve for five years, upon its enlistment roll, before it can be entitled to a place upon the books of the Adjutant General's office, or can even organize or elect officers.

To file these papers systematically, and make record of all matter proper subject of record, and maintain the organization, is a daily tax upon the office.

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2. *The Enrollment.*—This branch of duty has required correspondence with a majority of the county Auditors. Their reports were received too late for return to the War Department at Washington within the period prescribed by law; but the systematic charge of them, in the manner contemplated, demands time, and is of no use to the State.

3. *The Preparation and Issue of Forms.*—This department of duty is laborious. They embrace *enlistment rolls, poll books, bonds;* blanks for the returns of companies, battalions, squadrons, brigades, and divisions; forms for returns of arms, equipments, discipline, muster, and whatever becomes matter of duty or responsibility on the part of any, holding office; as well as blanks for courts martial and the collection of fines, and other forms, without which no systematic organization can exist.

I take this opportunity of acknowledging the indebtedness of the office to my predecessor, General S. D. Harris, for blanks prepared by him

In this department blanks have been procured from other States, with the view of furnishing our militia the best practical method of such organization.

4. *The Issue of Tactics.*—The supply from the general government is insufficient, even in respect of Hardee's system. We need to issue copies of Scott's tactics to infantry of the line. A reasonable number should be purchased by the State, and proper rules be established for their safe keeping and return. We may procure the former, in increased proportion, through our delegation in Congress, but Scott's Tactics can be procured only by purchase. These books are issued by mail to those who are entitled to receive them.

5. *Inspection.*—No attempt has been made to inspect, generally, at brigade encampments. Only two have been visited. Inspection was had of collected arms at the State arsenal with a view to determine their fitness for re-issue. No provision is made by law even for travelling expenses, much less for that loss of time which would follow the discharge of that duty through the State.

6. *General Correspondence.—This is a business of itself,* involving the office to the extent of *seven or eight hundred letters annually,* besides those that accompany commissions. Many of these require the preparation of opinions upon legal and practical questions submitted from all parts of the State, and which the Adjutant General alone can respond to.

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With the failure of the militia bill last winter also failed the appropriation of a sum to apply upon the clerical labor of this office. During the six months last past that labor has become exacting and oppressive. Yet, not a single duty now enjoined can be omitted while *any* militia law exists, nor can it be slighted without detriment to the service.

The actual appropriation made, and called *salary*, will not compensate for the last item referred to, while it is less than half the amount assigned to the most subordinate clerkship in any other department.

At present there are collections of pay sheets, rolls, and other documents connected with the Indian wars and the war of 1812, in the basement of the State House, and which have been for years hid in rubbish, which need attention; and within the term of office of this incumbent two applications have been made to him, under advices from Washington, touching these matters. It is hardly practicable, however, to even commence the work of their assortment while so many other matters demand attention, and the whole is comparatively a gratuity to the State.

The present Adjutant General, in the attempted discharge of the duties of the office, has been compelled to employ assistance and pay for the same, rather than be mortified by failure, sacrifice other interests, or bring discredit upon the office.

If the office had been endowed with a contingent fund sufficient to compensate for its responsible duties in times past, thousands of dollars would have been saved to the State, and our arsenal would have been stocked with arms. Better abandon all show of an organization, repeal all laws, discard all responsibility, and put an end to even a volunteer system, or maintain its executive office at a grade which can admit of efficiency and the exercise of its true functions.

Respectfully submitted,

H. B. CARRINGTON,
Adjutant General.

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SCHEDULE OF ENROLLMENT.

Counties.	Number.	Counties.	Number.
Adams	2,157	Logan	2,873
Allen	1,839	Lorain	2,590
Ashland	2,436	Lucas	2,249
Ashtabula	3,473	Madison	1,296
Athens		Mahoning	2,571
Auglaize	1,720	Marion	2,015
Belmont	4,044	Medina	2,461
Brown	3,362	Meigs	2,910
Butler	4,040	Mercer	1,782
Carroll	2,070	Monroe	2,993
Clark	2,878	Montgomery	5,130
Clermont	3,701	Morgan	2,873
Clinton	2,368	Morrow	2,406
Columbiana	3,507	Muskingum	4,845
Coshocton	2,780	Noble	2,734
Crawford	3,158	Ottawa	643
Cuyahoga		Paulding	636
Darke	3,069	Perry	2,182
Defiance	1,512	Pickaway	2,553
Deleware	3,261	Pike	1,627
Erie	2,267	Portage	2,737
Fairfield	3,547	Preble	3,007
Fayette	1,890	Putnam	1,503
Franklin	5,182	Richland	2,942
Fulton	1,450	Ross	3,430
Gallia	2,270	Sandusky	2,621
Geauga	1,825	Scioto	2,631
Greene	2,794	Seneca	3,841
Guernsey	2,124	Shelby	2,027
Hamilton	23,528	Stark	4,637
Hancock		Trumbull	2,823
Hardin	1,510	Tuscarawas	3,802
Harrison	2,184	Union	1,766
Henry	850	Van Wert	1,303
Hocking	1,816	Vinton	
Holmes	2,268	Warren	
Huron	2,550	Washington	3,750
Jackson	2,137	Wayne	3,840
Jefferson	2,952	Williams	1,863
Knox	3,283	Wood	1,996
Lake	2,007	Wyandot	2,009
Lawrence	2,570		
Licking	3,938		233,677

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ABSTRACT FROM HOUSE COMMITTEE REPORT REFERRED TO, RESPECTING LAWS OF OTHER STATES.

NEW ENGLAND STATES.

Three of these States have *new* and efficient laws, viz.: Massachusetts, Connecticut and Rhode Island. The others are preparing amendments. The laws, in length, are as follows:

1. Maine—215 sections; paying executive officers, such as Adjutants, &c., from $10 to $25 per annum.

2. New Hampshire—83 sections, besides several amendments.

3. Vermont—134 sections; pays privates $1 per day, and certain exemption from tax.

4. Massachusetts—240 sections in 101 pages; pays each private at company parades $1.50 per diem; at camp muster $2.50. Limits the amount to $9 each man per year. The members of band draw $3 each per day State pays from military tax. Equipments furnished, and camp equipage

5. Rhode Island—178 sections; pays each foot officer and man $1.50 per diem; each mounted man $2 for horse—$3.50 per diem; two musicians to company each $2 per diem; regimental band each man $2 per day. Equipments furnished, and camp equipage. State pays from Treasury. Parade from three to six days.

6. Connecticut—111 sections; amendments, 59 sections; pays each foot officer and man $1.50 per annum; each mounted man $1 extra—$2.50; each member of band $2.50. Arms, colors, and camp equipage supplied by State through Quarter-Master General. Parade from three to nine days.

OTHER STATES—MIDDLE STATES.

1. New Jersey—88 sections; several amendments; amendments now pending.

2. New York—Shaped after New England laws mainly, but amplified; 502 sections.

Pays privates, each	$1.25	per day.
" Mounted do	2.25	"
" Foot officers	1.50	"
" Field do	2.00	"
" Brigadier General	4.00	"
" Major General	5.00	"
" Staff officers	2.00 to 2.50	"
" Governor's staff	2.50	"

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All camp equipage furnished. Paymaster General disburses fund.

3. Pennsylvania—old law in force. The military men and legislative committees are engaged in modifying the law. Philadelphia encourages her own force. [During March, 1858, this State passed a law similar in many respects to that of Ohio, but making liberal provision for the compensation of the Militia and the Heads of Departments.—*Adj. Gen.*]

4. Maryland—77 sections; amendments, 34 sections. Total, 131 sections. Furnishes all equipments. U. S. uniform, using letters "M. M." for U. S.

SOUTHERN STATES.

1. North Carolina—95 sections; pays officers and men the equivalent to the pay and rations of the regular army for the days of muster. U. S. uniform, with slight changes.

2. South Carolina—710 sections; pays officers and men the equivalent to the pay and rations of the regular army for the days of muster. Appropriated $80,000 from State Treasury to aid the military froce of Charleston, &c. Camp equipage furnished. U. S. uniform, except letters and pompons.

3. Mississippi—213 sections; State sustains the system.

4. Louisiana—81 sections; State aids the system.

5. Tennessee—111 sections.

6. Kentucky—135 sections.

Ohio—72 sections; State buys no arms; can only add 1,009 muskets per annnm, being the extreme quota from U. S. The proposed tax would levy $5 per annum for each *fully armed, equipped*, and *uniformed man.*

Those counties alone pay, which have the force.

This fund pays the *men nothing.* It does not approximate the encouragement afforded the people in military training by all the other leading States.

It furnishes each company, instruments to the value of $10, to belong to the State.

It furnishes camp equipage.

The residue goes to the safe keeping and storing of the arms, and interests the men themselves in their safety and preservation. The State reaps the entire benefit, as the whole fund goes into permanent and needed equipments, which will still belong to the State.

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REVIEWS DURING 1858.

The only general review (attended by the Commander-in-Chief) during 1858, was at Dayton, July 3.

The following corps were present:

1st Regiment Infantry, Col. E. A. King, consisting of Companies A, B, C, D, E, F. (Company G has been recently organized.)

This excellent regiment was the first to organize under the new law, and has been so drilled that its Colonel reports that two hours' notice would bring it under arms.

The remaining Companies were from various Brigades, to wit:

3rd	Brigade,	1st	Division	4	Companies.
1st	"	2nd	"	2	"
5th	"	8th	"	3	"
2nd	"	17th	"	2	"
2nd	"	3rd	"	2	"
3rd	"	2nd	"	3	"
3rd	"	2nd	"	6	"
Total				22	"

Inspection was had, and a silver medal awarded to Sandusky Light Artillery, Rover Guards, (Infantry,) Cincinnati, and Dayton Light Guard, (Infantry.)

Such occasions have proved of service in other States, and would benefit our own militia. Elsewhere, as during the year 1858 in Pennsylvania, they have been ordered by and governed under the direct instance and supervision of the Commander-in-Chief.

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REPORT

OF THE

SELECT COMMITTEE ON RULES.

AS AMENDED.

The Select Committee of three, appointed to revise and correct the rules adopted for the government of the Senate, has performed the duty assigned to it, and submits the following rules, recommending that they be adopted by the Senate, and that the present rules be rescinded:

RULES:

OF THE RIGHTS AND DUTIES OF THE PRESIDENT.

1. The President shall take the Chair, precisely at the hour to which the Senate shall have adjourned on the preceding day; and shall immediately call the Senate to order.

2. The President shall examine and correct the Journal before it is read; he shall have the general direction of the Senate Chamber; he shall have the right to name any Senator to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

3. He shall preserve order and decorum in the proceedings of the Senate; and in case of any disturbance or disorderly conduct in the lobby, the President, or Chairman of the committee of the whole Senate, shall have power to order the same to be cleared.

4. The Senate shall elect, at the commencement of the session, the following Standing committees, each to consist of not less than three nor more than five Senators: a committee on Privileges and Elections; on the Judiciary; on Finance; on Claims; on Public Works and Public Lands; on Roads and Highways; on Railroads and Turnpikes; on Common Schools and School Lands; on Universities, Colleges and Academies; on Medical Societies and Colleges; on the Militia; on Agriculture; on Manufactures and Commerce; on Municipal Corporations; on Corporations

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other than Municipal; on the Currency; on Benevolent Institutions; on the Reform School, and the Asylum for Idiots; on the Penitentiary; on the Library; on State Buildings; on New Counties; on Retrenchment; on the Salaries and Fees of Public Officers; on Public Printing; on Federal Relations; on Unfinished Business; on Enrollment; and on Revision; to which last named committee all bills when engrossed, and before their passage, shall be delivered by the clerk, and said committee shall carefully revise the phraseology thereof, and re-arrange the sections when necessary, carefully preserving the true intent and meaning of said bills, as ordered to be engrossed.

5. All other committees shall be appointed by the President, unless it shall be otherwise directed by the Senate, in which case, they shall be appointed by a vote of the Senate.

6. The President shall sign all acts, addresses, and joint resolutions, *when passed by both houses;* and all writs, warrants and subpœnas, issued by order of the Senate, shall be under his hand, attested by the Clerk.

OF THE RIGHTS AND DUTIES OF SENATORS.

7. Whenever a Senator is about to speak, he shall rise from his seat and respectfully address himself to "Mr. President:" and the President shall announce him as "The Senator from ———" [naming his county.] The Senator may then speak, either from his seat or from the seat of any other Senator tendered him for the purpose, or from the stand.

8. In all cases, the Senator who shall first rise and address the President, shall speak first; but when two or more Senators shall rise at once, the President shall announce the Senator who is first to speak.

9. No Senator shall speak more than twice to the same question, except in committee of the whole Senate, or by leave of the Senate; and he shall confine himself to the question under debate, and avoid personality.

10. Any Senator, while discussing a question, may read from books, papers or documents, any matter pertinent to the subject under consideration, without asking leave.

11. Any Senator may call for a statement of the question, which the President may give sitting.

12. Any Senator may call for a division of the question, and the decision of the President as to its divisibility shall be subject to appeal, as in questions of order.

13. Every Senator present, when the question is put, shall vote, unless

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the Senate, for special reasons, excuse him. A request to be excused from voting shall not be in order unless made before the Senate divides, or before the call of the yeas and nays is commenced; and any Senator requesting to be excused from voting, may make a brief statement of the reasons for making such request, and the question shall then be taken without further debate.

14. While the President or Chairman is putting any question, or addresing the Senate, no one shall walk across the chamber, and while a Senator is speaking no one shall pass between him and the chair. No person other than the Clerk shall remain at the Clerk's table while the ayes and noes are being called, or ballots being counted.

16. Any Senator has the right to demand the yeas and nays upon any question before it is put; and upon such demand the Clerk shall call the names of Senators in their alphabetical order; and before the result is declared shall read over the names of those voting in the affirmative, and those voting in the negative.

17. Any two Senators shall have a right to demand a call of the Senate, and to send for absent Senators; and upon the call of the Senate, the names of Senators shall be called by the Clerk alphabetically, and the absentees noted.

18. Any three Senators have a right to demand the previous question.

19. No Senator shall vote on any question in the event of which he is individually interested.

ORDER OF THE BUSINESS FOR THE DAY.

20. As soon as the Senate is called to order, a quorum being present, the journal of the preceding day shall be read by the clerk, and, if necessary, corrected by the Senate.

21. As soon as the journal is read and corrected, as aforesaid, the President shall call for the presentation of petitions and memorials; bills for their second reading; bills for their third reading; notices of intention to introduce bills; the introduction of bills on leave or notice; the reports of standing committees; reports of select committees. The above business shall be disposed of in the order in which it is arranged, and shall not be in order at any other time, unless by leave of the Senate.

22. Every petition and memorial shall be referred, on motion, without putting the question for that purpose, unless the reference is objected to at the time of its presentation; no petition or memorial shall be printed unless by special order of the Senate.

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23. Messages from the House, and communications from either branch of the Executive Department of the State, may be received, read and disposed of at any time, except when the President is putting a question, while the yeas and nays are being called, or while ballots are being counted.

24. The interim between any two sessions of the Senate, on the same day shall be termed a recess; and on re-assembling at the appointed hour, any question pending at the time of taking such recess shall be resumed without any motion to that effect.

ON MOTIONS AND QUESTIONS.

25. Every motion shall be reduced to writing, if the President or any Senator so desire.

26. When a motion is made and seconded, it shall be stated by the President; or being in writing, it may be read to the Senate, by the Clerk before debate.

27. After a motion is stated by the President, or read by the Clerk, it shall be deemed to be in possession of the Senate, but may be withdrawn by leave of the Senate, at any time before a decision or amendment.

28. All questions, whether in committee or Senate, except privileged questions, shall be put in the order in which they are made, except in filling blanks, the largest sum, and the longest time shall be first put.

29. Questions shall be distinctly put in this form: "You who are of opinion, (as the question may be,) say 'aye,'" and after the affirmative voice is expressed, "those of a contrary opinion say 'no.'" If the President doubt, or a division be called for, the Senate shall divide; those in the affirmative of the question, first rising from their seats; and afterwards those of the negative, and the President shall determine by count, announcing the number.

30. When a question is under debate, no motion shall be received but to adjourn; to take a recess; to lie on the table; for the previous question; to proceed to the orders of the day; to postpone to a day certain; to commit; to amend; to postpone indefinitely; which several motions shall have precedence of each other, in the order in which they are arranged.

31. When a motion is made to commit to a committee of the whole Senate, or to a standing committee, it shall not be in order to amend such motion by substituting any other committee; but if any other committee be suggested, the motion shall be first put upon the committee first named,

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and afterwards upon the committee or committees suggested, in the order in which they are named; but a motion to refer to the committee of the whole Senate, to a standing committee, or to a select committee, shall have precedence in the order here named.

32. A motion to postpone to a day certain, or indefinitely, being decided, shall not be again allowed at the same stage of the bill or proposition.

33. A motion to adjourn shall be always in order; but being decided in the negative, shall not be again entertained until some motion, call, order or discussion shall take place.

34. The following questions shall be decided without debate, to wit: To adjourn, to take a recess, to lie on the table, to take from the table, to go into Committee of the Whole on the orders of the day; and all questions relating to the priority of business.

OF AMENDMENTS.

35. No motion or proposition upon a subject different from that under consideration, shall be admitted under color of amendment.

36. A motion to strike out, and insert, shall be deemed divisible; and a refusal to strike out, shall be equivalent to agreeing to the matter in that form, but shall not preclude further amendment by way of addition.

RECONSIDERATION.

37. A motion to reconsider a vote must be made by a Senator voting with the majority; or in case of an equal vote, by a Senator voting with the prevailing side of the question—except when a bill shall fail on its final passage for want of the constitutional number of votes, when the motion to reconsider may come from any Senator voting on the question. And such motion shall only be admitted when made with reference to the last action of the Senate upon the subject, and within the next two days of actual session of the Senate, after such vote was taken; and when the motion is to reconsider the vote upon the final passage of a bill, the same shall take precedence of all other motions, except a motion to adjourn.

THE PREVIOUS QUESTION.

38. The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by three Senators, and, until decided, shall preclude further debate, and all

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amendments and motions, except one motion to adjourn, one motion to take a recess, and one motion to lie on the table. All incidental questions, or questions of order, arising after a motion is made for the previous question, and pending such motion, shall be decided without debate.

39. On a motion for the previous question, and prior to voting on the same, a call of the Senate shall be in order; but after the demand for the previous question shall have been sustained, no call shall be in order, and the Senate shall be brought to an immediate vote—first upon the pending amendments in their order, and then upon the main question.

40. If a call for the previous question be not sustained, the subject under consideration shall not thereby be postponed, but the business shall proceed as if no such call had been made.

QUESTIONS OF ORDER.

41. If any Senator, in speaking, or otherwise, transgress the rules of the Senate, the President shall, or any member may, call to order, and the Senator called to order shall take his seat, if required to do so by the President, until the question of order is decided.

42. All questions of order shall be decided by the President without debate; such decision shall be subject to appeal to the Senate by any two Senators, on which appeal no Senator shall speak more than once, unless by leave of the Senate, and the President may speak in preference to Senators, rising from his seat for that purpose.

43. If the decision be in favor of the Senator called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any Senator object, without leave of the Senate.

44. If a Senator call another to order for words spoken in debate, he shall, if required by the President, reduce to writing the language used by the Senator which he deemed out of order.

45. All questions of order, with the decisions thereon, from which an appeal may have been taken, shall be noted by the Clerk, and put together at the end of the Journal at each session.

OF COMMITTEES.

46. The several standing and select committees of the Senate shall have leave to report by bill or otherwise; and it shall be in order for the

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committee on Enrollment to report at any time when the Senate is not otherwise engaged.

47. All reports of committees shall be signed by such members thereof, as concur therein, and the same shall be read by the Clerk, or at the Clerk's desk, by the Senator making the report, without a motion unless the reading be dispensed with by the Senate.

48. No committee shall sit during the sitting of the Senate, unless by special leave.

OF COMMITTEES OF THE WHOLE.

49. When the Senate shall be ready to proceed to the orders of the day, a motion to go into committee of the whole Senate on the orders of the day shall have precedence of all other motions, except to adjourn, to take a recess, and for the previous question.

50. In forming a committee of the whole Senate the President shall leave the Chair, and appoint a Chairman, who shall preside and vote as other Senators.

51. In a committee of the whole, bills shall be read by the Chairman or Clerk, and considered by sections, unless it shall be otherwise directed by the committee, leaving the preamble to be last considered; the body of the bill shall not be defaced, or interlined, but amendments shall be noted by the chairman or clerk, on a separate piece of paper, as the same shall be agreed to by the committee, and so reported to the Senate; after being reported the bill and amendments of the committee shall be immediately taken for consideration, unless it shall be otherwise ordered by the Senate, and again be subject to discussion or amendment before the question to engross the bill be taken.

52. The rules of proceeding in committee of whole, shall be the same as in the Senate, so far as may be applicable.

OF BILLS.

53. Every bill shall be introduced on the report of a committee, or upon at least one day's notice, or by leave of the Senate, upon a statement of the objects of the bill. All bills shall be considered in the order in which they are introduced, unless the Senate shall otherwise direct.

54. If opposition be made to the bill, on the first reading, the question shall be, "Shall the bill be rejected?" If the bill be not rejected, it shall pass to a second reading, in the order of proceeding.

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55. On the second reading of a bill, the President shall state that it is ready for commitment or engrossment; and if no motion or order be made to the contrary, it shall be committed to a committee of the whole Senate, to be considered in its order; if the bill be ordered to be engrossed, the Senate shall direct on what day it shall be read a third time. Amendments to all House bills, when altered or amended by the Senate, shall be engrossed in like manner as Senate bills, preparatory to their third reading.

56. When a question is lost, on ordering a bill to be engrossed for a third reading, on a particular day, it shall not preclude a question to order it to be engrossed for a third reading on a different day, unless a division be called for; but if on a division, the question on engrossing a bill without including the time for its third reading, shall fail, the bill shall be considered as lost.

57. Bills standing in order for a third reading, shall be taken up and read without a motion to that effect, and the question shall be put, "Shall the bill pass?" unless otherwise ordered by the Senate.

58. When a bill has passed the Senate, the President or Clerk shall read its title, substituting the word "act" for the word "bill," and the President shall demand if the Senate agree to its title; and if the Senate is agreed, the Clerk shall make out the title accordingly, and shall certify the passage of the bill upon the back thereof.

59. After commitment and report thereof to the Senate, or at any time before its passage, a bill or resolution may be recommitted; but after bills have been read the third time, and put upon their passage, they shall not be recommitted for the purpose of amendment, except under instructions from the Senate, which instructions shall embody, substantially, the amendment or amendments proposed.

60. All bills shall be printed and distributed for the use of Senators before the second reading thereof.

OF RESOLUTIONS.

61. The yeas and nays shall be taken upon all joint resolutions which do not give rise to debate.

EXECUTIVE SESSIONS.

62. Executive appointments shall be considered with closed doors; and whenever the Senate shall have determined to go into Executive sessions, the President shall cause the chamber and lobby to be cleared of all visitors and the doors shall remain closed during such Executive session.

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ADMISSION OF VISITORS WITHIN THE BAR OF THE SENATE.

63. During the sitting of the Senate, no person shall be admitted within the bar of the Senate excepting Members of the two Houses, their Clerks, Assistants, and other Officers, or persons charged with any message or papers for the Senate, Clergymen by invitation of the President, the Governor of this or any other State, Judges of the Courts, Heads of the different Departments, Members of Congress, gentlemen who have been Members of either branch of the Legislature of this State, and those who for the time being are Members of the Legislature of other States, and ladies and gentlemen accompanying them visiting the Senate chamber—together with such other persons as may, at any time, be specially invited by any Member of the present Senate; and the use of the Senate chamber shall not be granted, at any time by resolution or otherwise, for any other than legislative purposes.

OF THE RULES OF THE SENATE.

64. These Rules shall not be altered, except after at least one day's notice of the intention of alteration; and no rule shall be suspended, except by a vote of at least two-thirds of the Senators present.

65. Cushing's Manual shall be received as a rule in all cases not provided for in the foregoing Rules.

Respectfully,

E. BASSETT LANGDON,
NEWTON SCHLEICH,
C. H. GATCH.

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SPECIAL REPORT

OF THE

AUDITOR OF STATE.

AUDITOR OF STATE'S OFFICE,
Columbus, Feb. 3, 1859.

HON M. WELKER, *President of the Senate:*

In answer to the resolution of the Senate, passed January 20, calling for the Report on the condition of the Banks made to me by Mr. Claypool, I beg leave to say—that at the time of the receipt of your resolution, I first discovered that the Report was not on file. Diligent search and inquiry were made immediately for the missing document, and up to this time I am unable to account for its disappearance, as it is a fact known to myself that it was on file in this office for many months, during which time it was frequently called for and examined. I still think that in some of these examinations it has been misplaced, and will yet be found.

As soon as I became aware that I should be unable to furnish the original, I requested Mr. Claypool to make me a duplicate, which he was fortunately able to do from the original notes he had preserved. This duplicate copy, furnished to me only this morning, I herewith transmit as the best reply to the Resolution in my power to make.

The foregoing will also answer the resolution of your body of this date, inquiring as to the causes of the delay in transmitting the report called for.

Respectfully yours,

F. M. WRIGHT, *Auditor.*

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COLUMBUS, February 1, 1859.

To MESSRS. F. M. WRIGHT, A. P. STONE, A. P. RUSSELL, *Bank Commissioners:*

GENTLEMEN: I have the honor of enclosing herewith, duplicate reports, of my examination of Banks made under your Commission of January——, 1858. Much of the data, comprising the Bank Reports, Lists of Bills and Notes Discounted, affidavits, &c., from which my original Report was made being lost with the Report, my duplicate reports must necessarily be imperfect, and render my review of the different banks a brief one.

SPRINGFIELD BANK.

This Bank, on the 14th of January, 1858, had reduced its capital by losses, &c., $12,347 12. By the quarterly return of November, 1858, I observe it again made a dividend, in violation of law. No well regulated bank suffers itself to remain without a surplus of profits to fall back on. It has rendered itself liable to the penalties of the 38th section of the organic law.

COMMERCIAL BANK OF CINCINNATI.

This is a strong Bank, well and ably conducted. It should be made to conform to the law, in the amount of bonds deposited. The framers of the law, in the prohibition of withdrawal of bonds below the amount of capital, and in no case below fifty thousand dollars, intended to meet the very case this bank exhibits, using its corporate character to give it credit, supplying no portion or part of a sound circulating medium, and assuming in other respects the character of a mere private banker's or broker's office.

BANK OF IRONTON, IRONTON.

This Bank had impaired its capital $7,558 88. Had an excess of circulation over capital, $15,000, and which since, by the bank becoming owner of $11,600 of its own stock, increased the excess to $49,800. It would seem to have used its capital, or circulation, or both, for the purchase of bonds.

SAVINGS BANK, CINCINNATI.

This Bank is insolvent, and if it have at this time any circulation, should be made to return it.

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DAYTON BANK, DAYTON.

This Bank had reduced its capital by losses $15,167 84. It was doing no business; had no coin or exchange basis, for redemption of its notes. Its circulation should be called in.

MIAMI VALLEY BANK, DAYTON.

The affidavit of Daniel Beckel, President of the Bank, stated the Bank was not doing business, its books closed, its capital long since paid back; had no assets or indebtedness, other than stocks with the Auditor, amounting to $88,900, and an outstanding circulation of $88,900, presenting the singular anomaly of a single individual, in truth, holding, controlling, and receiving the benefit of a circulation of near $90,000, receiving over five thousand dollars a year interest from the bonds, and redeeming the notes as he may best think fit, and when—the notes sometimes at par, and sometimes at ten per cent. discount. This ought not to be, and there is surely a remedy for it.

SANDUSKY CITY BANK.

This is another of those Banks, with its entire capital lost, and indeed insolvent; without means for redemption; without a place for business, or redemption; holds a circulation of $50,000, the notes sometimes current, sometimes not; at times at par, and then at a discount.

FOREST CITY BANK, CLEVELAND.

This Bank had very recently changed its administration, to the benefit, I think, of its stockholders, and the good of the public. Its present managers are respectable, prudent and responsible men. It would do well, however, to get rid of the collateral feature, that prevails so much in its business, and to discount no paper but such as has upon it the evidence of strength, and certainty of payment.

CITY BANK OF CLEVELAND.

This Bank, in its large surplus means, gives evidence of able and successful management, and in its large deposit, evidence of the confidence of the business men of Cleveland. Its discount line I judged to be a fair one, and the character of its managers gave assurance of its being a good one. Its suspended debt had been large—the effect of the panic—but was being rapidly reduced by payment, &c.

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BANK OF COMMERCE.

The statement of this Bank, in its surplus and deposits, gives evidence of success and confidence, managed by shrewd business men, who have a large interest in the Bank. I judged its large discount line to be good. Owing to the peculiarity of the times, its discounts were larger than desirable.

BANK OF MARION, MARION.

This Bank, in an exposed situation, would be very weak; its location, in a measure, protects it. It has impaired its capital $3,010 63, and shows a singular discrepancy between its amount of means and amount of bonds deposited for circulation. Its managers are respectable and responsible.

CHAMPAIGN COUNTY BANK, URBANA.

This is another of the few Banks that exhibit surplus means. It is well managed and entirely safe. Surplus $5,298 05.

BANK OF DELAWARE, DELAWARE.

This Bank, when I examined, had not received circulation, and had scarcely commenced business. It is owned by able and responsible men, and will no doubt be managed well.

SENECA COUNTY BANK, TIFFIN.

A full and extended notice of the transactions of this Bank will, I presume, be made by the "Committee of Investigation," and I have probably trespassed in giving as full a notice of it as I have.

The answers, under oath, of the Assistant Cashier, and the Bookkeeper, were included in my original Report, and are missing with it. I regret the loss, as they might have been useful for future comparison.

It is evident from the facts that I have set forth, great looseness and an almost entire disregard of law has been permitted in the departments in the general administration of these banks—which is strangely in contrast with the general administration of the State Bank of Ohio, with an able and experienced President and Vice President, and Secretary. Every monthly return is subjected to the severest scrutiny, and every departure from rule or law rebuked and corrected. Once a year at least, each of its branches is subjected to the examination and rigid

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scrutiny of the Vice President, a trained banker and an able accountant—his reports again submitted to a committee of the Board at every semi-annual meeting—and yet, with all this labor and supervision, I apprehend the gentlemen of the State Bank find it a difficult matter to keep some of its branches within the traces.

The abuses and derangement which have attached to the "Independent" and "State Stock systems" of banking, which have brought them into disrepute, and greatly injured the sound banks under it, have arisen from the great error of placing them under the supervision of the Treasurer and Auditor of State—giving in charge an interest, in the good or bad management of which, is greatly involved the prosperity of the productive interests of the State, to men already overburdened with the onerous duties of their own immediate departments.

Reasons for isolating the banks from the other departments of the State could be multiplied—the experience of the past five years precludes their necessity.

New York, in April, 1851, passed an act organizing a bank department—separate and distinct—charged with the execution of all laws in relation to banking, having a chief officer, denominated the Superintendent. This system has been in operation nearly eight years, and has worked well. The Superintendent is appointed by the Governor, with the advice and consent of the Senate, for three years.

In the course of my examination, some of the leading bankers of the State, aware of the injury they had sustained from the loose management of the present system, requested me to recommend the present New York system of superintendence. It is probably not my province to do so, but presuming on the privilege I may possibly have in being one of the oldest bankers of the State, I make the suggestion that the attention of the Legislature (now in session) be called to it.

It is not now a question of bank or no bank. *Banks in Ohio* have become a forced necessity. If the present banks were swept out of existence, and their notes called in, just as rapidly would the vacuum be filled with the irresponsible circulation of other States. No enactments could prevent this, or produce a coin medium under the circumstances that now surround the State.

It is not to be denied that wherever, and to whom the State grant a chartered privilege, it is a duty imposed thereby to protect the people

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from any and every abuse of the power or privilege granted. The abuses of these systems have been handed down to the present Auditor and Treasurer, and they have felt a lack of power to abate most of the prominent ones, and to make them return their circulation improperly held.

JAS. T. CLAYPOOLE, *Examiner*.

CONDENSED

Dr. *Statement, Springfield Bank, Jan. 14, 1858.* *Cr.*

Cash—Gold	$17,227 58		
Silver	1,182 86		
		$18,410 44	
Notes of banks of Ohio, Indiana and Kentucky		12,367 00	
Notes of Springfield Bank		11,750 00	
Funds in New York		15,605 78	
Due from Branches State Bank Ohio		84 84	
Due from other banks Ohio		7,821 94	
Bonds and mortgages		27,600 00	
Bills and notes discounted		19,531 03	
Personal property		463 83	
Expenses		5,015 65	
Premiums on stocks, profit and loss		7,600 19	
Deficiency in bills of exch'e		3,982 44	
" in cash		69 63	
		226,302 77	
Capital stock			$ 50,000 00
Circulation			100,000 00
Ohio Life Ins. & Trust Co.			2,671 24
Champaign County Bank			163 85
Drexel & Co., Philadelphia			26 57
Due depositors			68,214 10
Dividends undrawn			66 00
Exch., discount and inter't			5,161 01
			226,302 77

BILLS OF EXCHANGE AND NOTES.

Payable in New York	$11,155 50	Brought over	$13,878 20
" in Boston	700 00	At Lexington, Ky	1,000 00
" in Philadelphia	2,022 70	At points in Ohio	94,652 83
			109,531 03
206 shares Mad River & Lake Erie R. R. stock			3,000 00
Bonds, Clark county, 1858			2,000 00
" city of Springfield, 1865			5,000 00
			119,531 03

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The shares of Mad R. R., and bonds were taken at a discount, and the discount received carried to the credit of profit and loss, and divided.

The Bank had never kept a regular daily cash statement, and could not tell the amount of their own notes on hand, at stated periods, except at quarterly statements.

LIABILITIES OF STOCKHOLDERS.

Directors as principals	$2,500 00	
" as endorsers	5,460 00	
		$7,960 00
Stockholders as principals	$6,675 00	
" as endorsers	9,775 00	
		16,450 00
		$24,410 00

This Bank has never charged up its premiums paid for stocks. Dividends have been made virtually impairing its capital stock, and in violation of section 22 of the organic law.

BILLS AND NOTES SUSPENDED.

Am't judgment, J. Bennett, Jno. Smith, due	Oct. 17, 1857,	$ 245 50.	Good.
E. Phleeger, Jos. Lynn, Hugh Wilson, "	Sept. 9, "	960 00.	"
Moses Wilson, S. R. Wilson, Hugh Wilson, "	Nov. 29, "	2,000 00.	"
Jesse Watson, Robt. Reed, Wash. Withrow, "	Dec. 9, "	500 00.	"
P. W. Alden, F. A. Pratt, J. K. Reed, "	June 8, "	500 00.	"
W. H. Benmer, J. K. Ruckle, Wm. Kunkle, "	Oct. 11, 1854,	75 00.	Bad.
W.W.Jones, Holmes & Jones, C.C.Arthur, "	Oct. 23, 1857,	434 00.	
J.M.Benson, Rabbitts, C. T.W.McCormick, "	Oct. 12, "		
On Goodale C. Cleveland		1,250 00.	
Benson & Co., C. A. Hoor, T. W. McCormick, on ditto	Sept. 22, "	1,408 00.	
			$7,372 50

IN JUDGMENT.

Jno. K. Miller, Jas. Beer, J. P. Corey, (good)	$4,800 00	
W. W. Wetherell, J. W. Wetherell, J. Akins, (bad)	1,311 25	
		$6,111 25

LIABILITIES.

Circulation	$100,000 00	
Amount of notes on hand	11,750 00	
		$88,250 00

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Due to banks of Ohio	$2,835 09
" to eastern banks	26 57
" to depositors	68,270 10
Capital stock	150,000 00
	309,391 76

RESOURCES.

Cash, coin and bank notes	$30,777 44	
Funds in New York	15,605 78	
Due from banks	7,906 78	
Bills and notes	$109,531 03	
Add part of deficiency discovered	800 00	
	110,331 03	
206 shares M. R. & L. E. R. stock, at $5	1,030 00	
Clark county bonds of 1858	2,000 00	
City of Springfield, 1865, at 80c	4,000 00	
Bonds and mortgages	27,600 00	
Bonds for circulation (Auditor)	100,000 00	
		$299,251 03
Deduct bad and doubtful notes and bills	1,386 25	
Account Canal Bank, Cleveland	420 14	
" Savings' Bank, Cincinnati	400 00	
		2,206 39
		297,044 64
Capital impaired		12,347 12
		309,391 76
The Bank does not charge the Auditor with bonds		$100,000 00
And credit safety fund stock		100,000 00

The general character of its bills and notes is good, and, although some of them may be slow in collecting, it is probable the loss will not be greater than the stated estimate.

The $27,600 bonds are seven per cent mortgages, received from the Ohio Life Insurance and Trust Company for indebtedness, and are undoubtedly good.

In the dividend of November, 1857 the Bank divided $800 more than its net earnings.

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From the estimate of liabilities and resources, it will be seen that the Bank has impaired its capital stock $12,347 12, and cannot legally make a dividend until its capital shall be restored, and all charges for premiums &c., wiped off.

For some weeks, during the panic, the Bank failed to redeem its notes of circulation in coin, but the President of the Bank, in his affidavit, states that satisfactory arrangements were made for them.

It had always been careless in keeping up its basis, but having changed its executive officer, I think that matter will have more attention.

Dr. Statement Bank of Delaware, O., February 15, 1858. *Cr.*

Auditor of State Bonds	$17,182 65	Capital stock	$15,000 00
Eastern Funds	2,216 79	Banks of Ohio	9,045 73
Banks of Ohio	198 33	Deposits	9,719 41
Bills and notes discounted	10,116 87	Discount and Exchange	745 89
Cash	3,442 75		
Expenses	499 62		
Personal property	854 02		
Total	$34,511 03	Total	$34,511 03

This Bank had been but very recently organized, and had received no circulation.

Dr. Statement Bank of Ironton, January 23, 1858. *Cr.*

Cash—gold and silver, 16,951 57		Capital Stock	$65,350 00
Notes—Ohio, Kentucky, & Indiana, $7,075	$24,026 57	Notes for circulation	90,001 00
Ohio banks and bankers	10,989 47	Due banks and bankers, O.	225 69
Funds in New York	3,514 98	" foreign	464 97
Bills of exchange, C	58,288 10	Due depositors	42,447 64
Bonds with Auditor	90,000 00	Contingent fund	8,155 63
Real estate for convenience	711 84	Discount, exchag. and int.	4,107 12
Expenses	1,825 12	Drafts unpaid on O. L. & T Co., N. Y.	1,197 77
Personal property	1,089 99		
Premiums paid on bonds	8,118 50		
Greenville & Maumee bonds	5,600 00		
Junction R. R. bonds	6,000 00		
Ohio, L. I. & T. Co., Cin.	1,707 84		
Protest account	27 41		
	$211,949 82		$211,949 82

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Dr. *Statement Bank of Ironton, January 23, 1858—Continued.* *Cr.*

RESOURCES.			LIABILITIES.	
Stocks with Auditor		$90,000 00	Capital stock	$65,350 00
Real estate (bank'g house)		711 84	Notes for circulation	90,001 00
Personal property (safe)		800 00	Banks and Bankers, Ohio	225 69
$7,000 Gr'nville b'nds at 30		2,100 00	" Foreign	464 97
$6,000 Junction bonds with individual endorsements		5,000 00	Due depositors	42,447 64
Bills and notes	$58,288 10		Unpaid d'fts on E. Ludlow & Co	1,197 77
Off. bad and doubtful	$2,864 90			
		55,423 21		
Cash on hand		24,026 7		
Eastern funds		3,564 98		
B'ks and b'kers	$10,989 47			
Off. G. Miller & Co., bad	$1,087 88			
		9,901 59		
O. L. Ins. & T. Co., Cin	$1,707 84			
		600 00		
		$192,128 19		
Capital impaired		7,558 88		
		$199,687 07		$199,687 07

BILLS OF EXCHANGE AND NOTES.

Payable at Portsmouth		$1,102 53
"	Jackson, Ohio	1,052 30
"	Cincinnati	10,907 80
"	Marietta	915 00
"	Chillicothe	750 00
"	Ironton	1,115 54
"	Ashland, Ky.	15,163 99
"	Louisville	3,384 88
"	Indianapolis	1,219 46
"	Connersville	949 48
"	Pittsburgh	2,445 65
"	St. Louis	1,301 58
Bills receivable		13,654 96
Past due and unpaid, good		1,460 00
Suspended, bad		1,200 00
"	doubtful	432 20
Certificate Savings Bank, Cincinnati, bad		1,232 73
		$58,288 10

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The Junction bonds are secured by real estate and individual endorsement—are, I presume, good. The Greenville bonds would have commanded, before the panic, fifty cents. These bonds were received for indebtedness, and interest paid on them to January 1, 1858.

I have the capital stock of this Bank, $65,350, as returned to me in former statements. I find it stated as, capital stock, $25,000; balance, safety fund stock, $40,350. If the latter be the true statement, the Bank, by the 7th section of the act of incorporation, would be entitled to $75,000, notes for circulation. It has $90,000; excess $15,000.

Its safety fund stock	$40,350
It has bonds with Auditor	90,000
Excess of bonds over safety fund stock	$49,650

For the purchase of which it must necessarily have absorbed all its actual capital and a large portion of its deposits, or notes for circulation, in violation of the 21st section of the act of incorporation, and involving, in a sudden emergency, the safety of the Bank.

It would seem that the Bank takes from the public, in capital and deposits, $107,797 64; returns to it in the shape of loans, $58,288 10.

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Dr. Statement, Commercial Bank, Cincinnati, January 20, 1858. Cr.

Cash, Coin	$10,656.08	Capital stock	$50,000 00
Notes, O., Ky, Ia.,	62,160.00	Due to Banks	46,996 88
Checks	9,326.77	Safety fund	5,000 00
	$82,142 85	Due Eastern Banks	349 00
Eastern funds	9,345 91	Circulation $4,331 00	
Due by foreign Banks	48,184 32	Off. on hand 2,325 00	
Ohio State bonds	5,000 00		2,006 00
L. M. R. R. bonds	12,724 37	Bills payable, (time drafts)	
Suspended debt	5,323 94	on N. York $34,500 00	
Collections	3,892 00	N. Orleans 3,656 75	
Bills and Notes	477,372 80		38,156 75
Expenses	5,032 09	Dividend unpaid	100 00
Deficiency in cash	224 51	Trustees Commer'l Bank	14,608 90
		Deposits	437,633 64
		Discounts recd $3,363 91	
		Exchange acct 3,252 58	
			6,616 49
		Profit and loss	47,775 13
	$649,242 79		$649,242 79

BILLS OF EXCHANGE.

Payable at—		Payable at—	
Boston	$2,000 00	Smithland	$800 00
Philadelphia	6,792 01	Nashville, Tenn	1,000 00
Cleveland, Ohio	3,398 04	Memphis, "	1,272 75
Columbus, "	1,424 88	Chicago, Ill	1,551 40
Chillicothe, "	320 11	Keokuk	500 00
Dayton, "	23,248 81	Evansville, Ind	557 89
Eaton, "	500 00	Indianapolis, "	3,468 05
Gallipolis, "	188 64	Lafayette, "	1,027 69
Lancaster, "	424 89	Lawrenceburgh, Ind	676 57
Mansfield, "	364 14	Madison, "	453 12
Marietta, "	59 83	New Albany, "	98 54
Piqua, "	600 00	Richmond, "	484 62
Portsmouth, "	1,891 14	Rushville, "	127 03
Ripley, "	225 00	Terre Haute, "	250 00
Troy, "	556 16	Detroit	2,600 00
Xenia, "	651 86	St. Louis, Mo	5,194 95
Zanesville, "	1,176 54	Bills paid	3,000 00
New Orleans	42,045 82	" "	2,650 00
New York	44,836 19	Pittsburgh	2,592 76
Covington, Ky	19,169 27		$189,100 17
Frankfort, "	128 28	Notes	288,272 56
Louisville, "	8,586 88		$477,372 73
Lexington, "	1,163 38		
Maysville, "	400 00		
Paducah, "	642 93		

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Suspended bills and notes, $16,250 13; of which are doubtful, $16,250 13.

The bills and notes are drawn at 60 and 90 days, very seldom exceed those periods—a very large portion of them regular business notes of small amounts—the large deposit of the bank without interest enabling it to discount with profit, at legal rates for its customers.

The books of the bank are well kept, its directors and stockholders business men of high character, its officers experienced men, and it is scarcely necessary to say that the bank is well conducted and perfectly safe.

STOCKHOLDERS.

Jacob Strader, James Hall, Lary Anderson, Rufus W. J. Whiteman.

Liabilities of the same, $8,926 74.

This bank has, for years, been exercising its banking privileges in violation of the 30th section of the organic law, which requires that before it shall have acquired banking powers, a deposit with the Treasurer of State, of certificates of the funded debt of this State and of the United States, of an amount at least equal in amount to its capital stock paid in, and that from time to time as additional stock shall be paid in, additional certificates of the funded debt specified, at least equal in amount to the amount of such additional payments of capital, shall be deposited with the Treasurer of State, and of the 45th section of the law which provides that the Treasurer shall not suffer the certificates of funded debt in his possession, to be reduced below the amount of capital paid in, or *in any case*, below the sum of fifty thousand dollars.

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Dr. *Statement, Savings' Bank Cincinnati, January 26, 1858.* *Cr.*

Safety fund	$3,751 00	Capital stock	$27,000 00
City of Frankfort R. R. bonds	8,020 00	Notes for circulation	3,751 00
Bills and notes	136,140 21	Covington & Lexington R. R.	8,000 00
Bills of exchange	10,739 89	Deposites	91,829 79
Discount and expenses	5,579 11	Profit and loss	8,769 31
Suspense account	7,349 53	Bills payable	15,546 69
Banks and bankers (bad)	2,006 59	Banks and bankers	39,138 41
Sandford & Co., Covington.	152,385 23	Bank of Connersville, Ind	131,936 36
	325,971 56		325,971 56

RESOURCES.		LIABILITIES.		
Bonds with Auditor	$3,751 00	Capital stock		$27,000 00
Frankfort R. R. bonds	8,020 00	Circulation		3,751 00
Bills B. F. Sandford	136,140 00	Covington & Lexington R. R.		8,000 00
		Deposites	$91,829 79	
Deficiency	61,896 09	Over draft	24,541 20	
				116,370 99
		Bills payable		15,546 69
		Due banks and bankers		39,138 41
	209,807 09			209,807 09

City of Frankfort R. R. bonds, $8,020 00, are hypothecated to the Methodist Book Concern for deposit to that amount. Bills of exchange, $10,739 89, no where to be found. Bills and notes, $136,140 21, is balance of a note account. B. F. Sandford secured by mortgages on 500 acres of land in Kentucky, which is also claimed by the Kentucky Trust Company, and is now in litigation. It is claimed that the mortgage is fraudulent.

Suspense account, $7,349 53; and banks and bankers, 2,006 59, of no value.

B. F. Sandford & Co., $152,385 23, is offset to Bank of Connersville, $131,936 36. The difference between the two accounts, $20,448 87, is claimed to be in bonds in the hands of the Treasurer or Auditor of Indiana, who denies holding such bonds. The bank holds no receipt therefor. A claim against Forest City Bank, $320 14, that bank denies. If the disputed mortgage of $136,140 00 is recovered, there will still be a deficiency of $34,891 00 to pay the liabilities, independent of capital sunk. If it be not recovered, the claims against the bank are worthless.

The over draft of $24,541 20, was by B. F. Sandford—worthless. The

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funds of this bank were used to establish the Bank of Connersville, Indiana, and through Mr. Sandford in the Kentucky Trust Company, and if thoroughly investigated, would undoubtedly exhibit a strange scene of reckless, ill-judged speculation.

The Cashier, under oath, testified that notes for circulation had recently been obtained, (December 1857), amounting to $10,000 00, in which the bank had no interest, and which do not in any way appear on its books, having been procured by Mr. John D. Park, by a deposit of bonds of his own, and he providing, through a broker's office, for their redemption.

The books had not been posted for eight months, and were in a broker's office when examined by me.

STOCKHOLDERS.

B. F. Sandford	$11,250 00
John D. Park, (President)	5,625 00
E. L. Rice	5,625 00
Alanson G. Sandford	1,500 00
Thomas H. C. Allen, (Director)	1,000 00
Jonathan Blackburn, "	1,000 00
George A. Wheeler, Cashier, (Director)	750 00
John R. Russell, (Director)	250 00
	27,000 00

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Dr. *Statement, Dayton Bank, January 27, 1858.* *Cr.*

Stock notes	$10,000 00	Capital stock	$50,000 00
Cash	1,225 59	Profit and loss	1,596 45
Bills and notes	27,536 70	Auditor of State	18 06
E. Ludlow Cas., N. York	3,561 98	Banks and bankers	798 39
Bebee & Co	2,274 14	Deposits	3,796 26
Bonds with Auditor	58,155 00	Bills payable	1,850 00
Due by individuals	842 42	Circulation	56,055 00
Berkly Bank, Va	93 31		
Expense acct	487 18		
Real estate	9,937 83		
	$114,114 15		$114,114 16

RESOURCES.		LIABILITIES.	
Stock notes	$10,000 00	Capital stock	$50,000 00
Cash on hand	1,225 59	Auditor of State	18 06
Bonds with Auditor	58,155 00	Banks and bankers	798 39
Bills and notes $27,536 70		Deposits	3,796 26
Off. Bad, &c 12,000 00		Bills payable	1,850 00
	15,536 70	Circulation	56,055 00
Acct. Ludlow & Bebee	2,918 06		
Due by individuals	421 21		
Berkly Bank, Va	93 31		
Real Estate $9,937 83	9,000 00		
Deficiency	15,167 84		
	$112,517 71		$112,517 71

The real estate consisted of 1,300 acres of land in the north-west corner of Putnam county, and a lot in Buffalo.

The Bank held little or no basis for redemption, and was not redeeming its circulation in accordance with law.

Miami Valley Bank, Dayton, January, 27, 1858.

It will be seen, from the affidavit of the President, Daniel Beckel, that this Bank was not doing business, that its books were closed up, its capital long since paid back, having no assets other than the bonds in the Auditor's hands, amounting to $88,900, and no liabilities other than its circulation, $88,900.

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Dr. *Sandusky City Bank, February 6, 1858.* *Cr.*

Bonds and int. with Treas.	$51,022 00	Capital stock	$62,500 00
Personal property	1,010 13	Safety fund	27,780 00
M. R. & L. E. R. R. bonds	5,900 00	Circulation	49,993 00
Bills and notes	8,439 03	Bills payable	4,428 89
Commercial Bank, Toledo	25 44	Deposits	3,797 44
Profit and loss	82,615 55	Banks	512 82
	$149,012 15		$149,012 15

Bills of exc'ge and notes—	
W. F. Smith & Co } bad	5,000 00
Jno. G. Camp } bad	3,283 90
W. R. Patterson, good	155 13

RESOURCES.		LIABILITIES.	
M. R. R. Bonds at 50	2,950 00	Capital stock	90,280 00
Bonds with Treasurer	51,022 00	Circulation	49,993 00
Personal Property	400 00	Bills payable	4,428 89
Good bills	155 13	Deposits	3,797 44
Deficiency	94,485 02	Banks	512 82
	$149,012 15		$149,012 15

The above exhibit shows the Bank to have entirely sunk its capital.

This Bank had not a dollar of cash funds, no office open, and redeemed its notes through a broker's office, as they could, I presume, agree.

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Dr. Statement, Forest City Bank, Cleveland, February 9, 1858. Cr.

Auditor of State bonds	$45,000 00	Capital stock	$100.000 00
State stocks	15,000 00	Safety fund stock	25,500 00
New York Banks	5,823 85	Discount, &c	9,235 61
Philadelphia "	310 61	Dividend unpaid	50 00
Bills discounted	107,553 83	Circulation	40,000 00
Real estate, banking house	14,439 58	Time drafts	12,000 00
Personal property	373 50	Foreign Banks	1,023 28
Foreign Banks	48	Ohio "	2,674 82
Ohio "	818 05	Deposits	27,682 42
Expenses	2,735 50		
Cash	26,110 73		
	$218,166 13		$218,166 13

CASH.		BILLS OF EXCHANGE.		
Notes and checks	$6,418 78	Current bills, per list		$91,761 68
Coin	1,972 20	Past due, good		12,146 56
Forest City Bank notes	17,584 00	In Judg't, good	$750 00	
Deficiency	135 75	bad	2,884 60	
				3,634 60
	$26,110 73			$107,542 84

RESOURCES.			LIABILITIES.	
Cash on hand	$8,390 98		Capital stock	$100,000 00
Eastern funds	6,134 46		Safety fund stock	25,500 00
Bills and notes	107,553 83		Circulation	40,000 00
Off. bad	2,884 60		Off. not's on h'nd	17,384 00
	104,669 23			22,416 00
Personal property	200 00		Time drafts	12,000 00
Real estate	14,439 58		Banks	3,698 10
Banks	818 53		Deposits	27,682 42
Stocks	60,000 00		Dividend unpaid	50 00
			Surplus resources	3,306 26
	$194,652 78			$194,652 78

This Bank had not a full coin basis, and its bonds on deposit did not equal its cash capital. It had, however, but very recently changed hands, and time had not permitted its getting into right time.

It held a considerable amount of collaterals for its bills and notes—a feature, however, in banking, the examiner thinks, more to be honored in the breach than in the observance of. No paper should be discounted by a Bank, that is not in itself strong enough to preclude idea of going beyond it for payment. Its present proprietors are reliable, responsible men.

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Dr. *Statement, City Bank of Cleveland, February 9, 1858.* *Cr.*

CASH.			Capital stock	$50,000 00
Coin	$46,680 00		Stock, safety fund	100,000 00
Notes, Ohio	4,858 00		Auditor of State	260 02
" Foreign-	9,151 00		Surplus, profits, interest, &c	42,878 00
Checks O. B'ks	10,602 40		Circulation	97,304 00
		$71,291 40	Off. on hand	2,770 00
Funds, N. Y. and Boston		33,208 10		94,534 00
Bills and notes		296,385 11	Dividend unpaid	397 00
Banks and Bankers, Ohio		4,907 90	Banks of Ohio	4,850 52
Marine Bank, Chicago		2,849 44	Foreign Banks	6,595 77
Furniture		200 00	Deposits	216,334 54
Expense account		1,287 08		
Deficiency		20 89		
Bonds with Treasurer		105,700 00		
		$515,849 85		$515,849 85
BILLS OF EXCHANGE AND NOTES.				
Current		$267,179 89		
Suspended				
Good	17,341 25			
Doubtful	3,600 00			
Bad	2,371 22			
Suit	5,892 73			
		29,205 20		
		$296,385 09		
RESOURCES.			LIABILITIES.	
Cash on hand		$71,291 40	Capital stock	$50,000 00
Eastern funds		33,208 10	Safety fund stock	100,000 00
Bills and notes	296,385 11		Auditor of State	260 02
Off. bad, &c	5,971 22		Circulation	94,534 00
		290,413 89	Dividends unpaid	397 00
Banks and Bankers		7,757 34	Ohio Banks	4,850 52
Furniture		100 00	Foreign Banks	6,595 77
Stocks		105,700 00	Deposits	216,334 54
			Surplus resources	35,498 88
		$508,470 73		$508,470 73

This Bank has a surplus of $35,498 88; is conducted by shrewd business men, who have a large interest in the Bank, and who give it their almost undivided attention. Part of its surplus is $15,000 or $16,000 of its own stocks taken for indebtedness.

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Dr. Statement, Bank of Commerce, Cleveland, Feb. 11, 1858. Cr.

Stocks with Auditor	$48,881 70	Capital Stock	$100,000 00
Cash	35,331 27	Safety do	150,000 00
Bills and notes	362,912 39	Circulation	15,338 00
Holcomb & H., New York	41,574 59	Profit and Loss, exchange	32,022 68
Banks of N. Y. and Phila.	16,842 72	Due Foreign Banks	946 98
Other foreign banks	1,543 33	Due Ohio Banks	20,761 95
Banks of Ohio	19,958 90	Deposit	216,139 27
Personal property	2,424 21		
Expenses	2,439 77		
Bank of Toledo Stock	3,300 00		
	$535,208 88		$535,208 88

CASH.

Coin	$7,520 92
Notes, Banks of Ohio	8,050 00
do Foreign Banks	14,511 00
do mutilated	698 00
do Broken Banks	199 00
Checks, cash items	4,278 50
	$35,257 42

The account of Holcomb H. Co. $41,574 59, is the amount of certain collections for the Bank in Chicago, which could not be remitted without a heavy loss, and hazardous to leave in the banker's hands at that place, they ordered to be invested in wheat, and shipped to New York. The account will be closed immediately.

BILLS OF EXCHANGE.

Suspended—good		$11,093 93
do	bad	2,100 00
In Suit	good	588 50
In Judgt.	good	1,954 31
do	bad	1,807 25
		$17,643 99

RESOURCES.		LIABILITIES.	
Stocks with Auditor	$48,881 70	Capital Stock	$100,000 00
Cash (less broken, $199)	35,058 42	Safety Fund Stock	150,000 00
Eastern funds	16,842 72	Circulation	15,338 00
Holcomb H. & Co.	41,574 59	Due Foreign Banks	946 98
Banks of other States	1,543 33	Due Ohio do	20,761 95
do Ohio	19,958 90	Deposits	216,139 27
Personal property	1,500 00	Surplus resources	24,628 60
Bank of Toledo stock	3,300 00		
Bills and notes, good	359,155 14		
	$527,814 80		$527,814 80

The Bonds of this Bank deposited are not proportionate to capital required.

The Bank is conducted and owned by responsible men, and is no doubt safe.

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Dr *Statement, Bank of Marion, February 13, 1858.* *Cr.*

Stocks with Auditor	$103,993 27	Capital Stock	$50,000 00
Eastern funds, New York	5,164 92	Circulation $95,100 00	
Atwood & Co. do	8,131 83	Off. on hand 99 00	95,001 00
Banks of Ohio	2,491 30	Banks for collections	434 26
Bills and notes	28,494 86	Banks of Ohio	1,807 05
Personal property	1,006 29	Deposits	13,044 81
Real estate	867 28	Discounts	2,375 40
Expense account	879 40		
Cash	11,626 62		
Exchange account	6 75		
	$162,662 52		$162,662 52

CASH.		BILLS OF EXCHANGE.	
Coin	$7,635 33	Suspended—good	$1,179 06
Notes, &c.	3,951 50	Notes suspended—good	442 75
Their own notes	99 00		
	$11,685 83		$1,621 81

Its coin basis is deficient, and, like most of the banks, it seems to have been careless in keeping it up to the point required by law, either as to coin or exchange.

RESOURCES.		LIABILITIES.	
Bonds with Auditor	$103,993 27	Capital Stock	$50,000 00
Eastern funds	5,164 92	Circulation	95,001 00
Atwood & Co. $8,131 83	4,065 91	Banks and Bankers	2,241 31
Banks of Ohio	2,491 30	Deposits	13,044 81
Bills and notes	28,494 86		
Personal property	600 00		
Real estate	879 40		
Cash	11,586 83		
Deficiency of resources	3,010 63		
	$160,287 12		$160,287 12

Capital impaired	$3,010 63	Bills and notes all good.	
This Bank holds bonds	$103,993 27	The Bank having Capital	
Its capital $50,000		and Deposits	$63,000 00
Deposits 13,044	63,044 00	Loans back to the public	28 000 00
Excess of bonds—balance	$40,949 27		

To purchase which, its circulation must have been directly or indirectly used. Such a Bank must inevitably suspend under a sudden emergency. Its books are well kept.

It takes some stretch of imagination to find out the full benefit of such a Bank to the community in which it is located.

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Dr. *Statement, Champaign Co. Bank, Urbana, Feb.* 18, 1858. *Cr.*

Cash, coin	$6,570 69	Capital stock	$26,000 00
bank notes	23,414 61	Safety fund stock	50,100 00
	29,985 30	Bank notes	$42,800 00
Banks, N. Y., Phila. & Boston	7,625 83	Off., on hand	9,905 00
State bonds	57,912 57		32,895 00
Banks of this State	8,251 66	Banks of Ohio	4,456 52
Ohio L. Ins. & Trust Co	933 31	Deposits	51,760 19
Savings' Bank, Cincinnati	695 85	P. & L. exch., disc't. & int.	10,635 53
Personal property	450 00		
Expense account	1,547 14		
Wm. Smith, Co. treasurer, taxes	441 20		
Protest account	6 08		
Bills and notes discounted	58,054 05		
Mortgages, O. L. I. & T. Co.	9,944 25		
	175,847 24		175,847 24

RESOURCES.		LIABILITIES.	
Cash	$29,985 30	Capital stock	$26,000 00
Eastern banks	7,625 83	Safety fund stock	50,100 00
Banks of this State	8,251 66	Notes in circulation	32,895 00
Ohio L. I. & T. Co. $933 31	311 10	Banks of Ohio	4,456 52
Savings' Bk, Cincin'i, (bad)		Deposits	51,760 19
Bills and notes, $58,054 05		Resources, surplus	5,298 05
Off., bad 1,800 00			
	56,254 05		
Bonds and mortgages	9,944 25		
Personal property, ½	225 00		
State bonds	57,912 57		
	170,509 76		170,509 76
Bills and notes—		Surplus means	$5,298 05
Suspended	$20,825 24		
In suit	1,787 33		
In judgment	510 00		
	23,122 57		

This Bank, with $126,000 capital and deposits, loans back to the public $58,000.

Its discount line 1 esteemed to be mostly good. The suspended paper had been largely increased by the *panic*, but was much of it in progress of arrangement.

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Seneca County Bank.

I entered upon the examination of this Bank Feb. 3, 1858. It was originally organized under the law of 1845, and in July 1854 passed into the hands of W. H. Gibson and others, and a new set of books opened—with an assumed capital of $100,000, of which $30,000 was paid in, and notes of the stockholders for $70,000 given. I found this organization had very summarily been closed up, on the 25th April, 1857, giving place to an organization under the State Stock law of 1851; and that again, this bank had been closed, in as summary manner, and that the private Banking House of C. L. Johnson & Co. had taken its place, without special instructions, I confined myself to the examination of the bond and note accounts of the Independent Bank, that closed its existence April 25, 1857. I found its notes for circulation to have been kept under two heads, "Circulation" and "Treasurer for mutilated." I took copies of these accounts, and subsequently compared them, with the Treasurer's books, but found them impossible to reconcile.

STATEMENT OF CIRCULATION, FROM THE BANK BOOKS.

Circulation from old organization		$68,257 38
" received from Treasurer Oct. 12, 1854, to Nov. 1856		225,391 76
" credited as received Nov. 28, 1856, for which there is no journal entry, and which is credited *twice* and charged *thrice*		32,128 00
" received April 15, 1857, for which the bank gave no receipt, no bonds, no credit on its books until July 24, 1857, when settled		34,657 00
" received for mutilated returned		126,688 00
		487,122 14
Charges—Circulation returned July, 1854, to Oct., 1857	144,305 00	
" returned Dec. 4, 1854, to Oct. 2, '55, of which Treasury has no account	84,000 00	
Mutilated, for which the bank holds receipts	117,919 00	
		346,224 00
Outstanding		140,898 14
Which is an excess of		40,898 14

This excess is made up of two items of mutilated notes, May 9, 1855—$1,914, and Aug. 1, 1856—$6,887, $8,801, and the amount twice credited and thrice charged, $32,128. For the two amounts of mutilated returned, the bank held no receipts and could not have received them.

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About the first of January, 1857, Mr. Gibson took bonds of 1856 to New York, and collected them to the amount of $32,128. It is not known what became of the proceeds, nor was their place supplied by the deposit of new bonds, and that amount of notes remained unrepresented by bonds until July 3d, 1857, (six months) when they were returned, and Cashier Johnson's receipt for the bonds left with Mr. Stone. If the circulation received for these bonds, as posted in the bank account November 28th, were then really received, the over-plus of circulation as I have stated, is true.

The amount of circulation, $34,657, without bond or receipt, never entered into the cash of the bank, and must have been used, either by the new organization that commenced ten days after its receipt, or, used by the officers, as well worn notes were returned in their place, at the close of July. Mr. Ebberts, the assistant cashier, stated to me that the amount so obtained, was over $38,000; that Mr. Gibson was to purchase the bonds and draw on the bank for the amount, a convenient arrangement, but one scarcely intended to be carried out in good faith, being kept secret, until forced from Mr. Johnson on examination before the Grand Jury, after Mr. G. resigned.

The following charges and credits in the "Circulation" account of the bank, are not found at all on the Treasury books:—

Credited	Nov. 4, 1854, notes received from treasury	$30,000 00
	May 5, 1855, " " "	27,000 00
	Aug. 4, 1855, " " "	27,000 00
Charged	Dec. 4, 1854, notes returned to treasury	30,000 00
	July 26, 1855, " " "	27,000 00
	Oct. 2, 1855, " " "	27,000 00

These same sums appear in the bond account, under the same date, charged and credited, as bonds deposited and returned.

BONDS ACCOUNT.

Receipts for bonds amounting to	$220,648 14
Marked thereon as returned	16,300 00
	$204,348 14
The bank credits as returned $15,000	13,000 00
Bank balance	$205,648 00
Treasury balance	209,648 00

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Difference $4,000, which the bank subsequently charged, bonds returned after August 1856	$77,420 00
	$132,228 14
C. L. Johnson's receipt for, taken to New York Jan. 1857, by Wm. H. Gibson	32,228 00
Balance	$100,000 00

The books of the bank having since my original report was made, come into my possession as receiver, I add additional statements.

In September, 1854, when this bank was in a state of reorganization, C. L. Johnson, the cashier, stated under oath, to Mr. Reemelin, (the examiner,) "the new stockholders have paid their stocks nearly all in;" "all the stocks will be paid by the time we get our new office;" "I think the money is ready," (thirty-five days thereafter,) but $30,000 of its capital of $100,000 was actually paid in, when the books were opened.

The bank, as I have already stated, was closed up in one day, April 25, 1857. On the 24th of April it had

RESOURCES.

Bills discounted	$11,478 05
Due by banks and bankers	14,466 17
Due by Treasurer of State, bonds	209,612 14
Cash on hand	125,799 13
Ohio Life Insurance and Trust Company	9,263 12
	$370,618 61

LIABILITIES.

Circulation	$205,648 00	
Capital stock	100,000 00	
Banks and bankers	2,743 53	
Deposits	71,878 29	380,269 82
Excess of liabilities over means		$9,641 21

The individual ledger shows the following persons to have overdrawn their accounts, April 24, 1857:

Lewis Baltzell.....S	$267 00	R. G. Pennington	$829 53
W. H. Gibson.....S	3,471 34	W. M. Redfield	2,013 10
R. McD. Gibson.....S	2,000 00	E. B. Searles	343 76
Chas. L. Johnson.....S	20,139 98	Hugh Welch.....S	1,636 82
George Knupp	338 48	Sundry accounts	1,533 66
			$32,573 67

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On the closing the bank, April 25, 1857, the accounts of the parties marked S being stockholders, were paid by a credit of the full amount of their stock, and the balances transferred to the books of the new organization, to which was transferred the remaining assetts. It is proper to here state that this organization had a regular certificate from the proper officers of State, of compliance with the second, third and fourth sections of the act to authorize "Free Banking," but was not authorized to commence the business of banking until after deposits with the Auditor of State of bonds for security of circulation, as required in the 44th section of the same law; this was never done, and of course no circulation was ever furnished to the company under its new organization by the auditor.

This bank seems to have held a close connection with Messrs. Bliss, Breslin, and Gibson, and more especially the two latter. Large amounts of the public money flowed through the bank, and it seems at all times, to have been ready to lend a helping hand to those gentlemen in their difficulties. Shortly after Mr. Gibson entered into the Treasury, I find a copy of a letter (Jan. 24th, 1856,) from Cashier Johnson to the cashier of the American Exchange Bank, New York, in which he asks, "What interest will you give us on an account running balance from $100,000 to $400,000, never to fall below $100,000?"

Mr. Gibson's *stock* note to the bank for $25,000, was paid April 19th, 1856, after he became Treasurer.

In the Journal, and in the Index, reference is made to the account of "Treasurer" for mutilated page 329 of the ledger. I find two leaves torn out there, the account transferred further on, and evidently re-written.

I find it to have been a common practice to send the notes without having receipts on file. Package after package of new notes were sent, enclosing receipts to sign and return.

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SPECIAL REPORT

OF THE

AUDITOR OF STATE.

AUDITOR OF STATE'S OFFICE,
Columbus, Feb. 5, 1859.

HON M. WELKER, *President of the Senate:*

In answer to a resolution adopted by the body over which you preside requesting me to communicate to the Senate a statement of the several sums set off to the State in lieu of taxes for the year 1858, by the several Banking Companies organized under the act of February 24, 1845, I have the honor to submit herewith the following tabular statement.

Respectfully,

F. M. WRIGHT, *Auditor.*

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TAXES set off by Banks to credit of State for May and November, 1858; also, amount of Capital Stock and Surplus and Contingent Fund of those Banks claiming under provisions of act of March 23, 1850, to pay taxes on Capital Stock and Contingent Fund.

NAMES OF BANKS.	State Tax set off.	Capital Stock.	Surplus or Contingent Fund.	Tax.
BRANCHES OF THE STATE BANK OF OHIO.				
1. Athens Branch	$95 44			
2. Belmont Branch, Bridgeport	.....	$100,000 00	$1,993 23	$1,291 41
3. Chillicothe Branch	903 10			
4. Commercial Branch, Cleveland	836 10			
5. Dayton Branch	775 02			
6. Delaware County Branch, Delaware	351 10			
7. Exchange Branch, Columbus	168 20			
8. Farmers' Branch, Ashtabula	648 66			
9. Farmers' Branch, Mansfield	383 42			
10. Farmers' Branch, Ripley	753 81			
11. Farmers' Branch, Salem	480 77			
12. Franklin Branch, Columbus	1,758 47			
13. Guernsey Branch, Washington	.....			
14. Harrison County Branch, Cadiz	.....	100,000 00	9,881 31	1,829 52
15. Hocking Valley Branch, Lancaster	577 59			
16. Jefferson Branch, Steubenville	564 17			
17. Knox Co. Branch, Mt. Vernon	573 36			
18. Logan Branch, Logan	383 27			
19. Lorain Branch, Elyria	506 89			
20. Mad River Valley Br'ch, Springfield	1,001 99			
21. Marietta Branch	296 22			
22. Merchants' Branch, Cleveland	.....			
23. Miami County Branch, Troy	537 93			
24. Mount Pleasant Branch, Mt. Pleasant	285 53			
25. Muskingum Branch, Zanesville	.....	90,000 00	.....	1,800 00
26. Norwalk Branch	.....			
27. Piqua Branch	398 74			
28. Portage County Branch, Ravenna	63 15			
29. Portsmouth Branch	1,338 37			
30. Preble County Branch, Eaton	406 89			
31. Ross County Branch, Chillicothe	200 49			
32. Summit Co. Branch, Cuyah'a Falls.	581 74			
33. Toledo Branch, Toledo	1,182 57			
34. Union Branch, Massillon	218 39			
35. Wayne County Branch, Wooster	720 00			
36. Xenia Branch	746 59			
Total State Branches	$17,737 97	$190,000 00	$11,874 54	$4,920 93
INDEPENDENT BANKS.				
1. Bank of Geauga, Painesville	$666 49			
2. City Bank of Cleveland	895 46			
7. Mahoning Co., Bank, Youngstown	637 90			
Total	$2,199 85	.....	.....	.....
Commercial Bank Cincinnati		$50,000 00	$44,889 44	$1,576 17
Western Reserve Bank, Warren		150,000 00	4,010 14	1,848 12
Grand total	$19 937 82	$490,000 00	$60,774 12	$8,344 22

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RECAPITULATION.

Amount of tax set off by Banks	$19,937 82
Amount of tax on Capital and Contingent Fund	8,344 22
Total	$28,282 04

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REPORT ON LEWISTOWN RESERVOIR.

To the Honorable Martin Welker, *President of the Senate:*

Sir: In obedience to the Resolution of the Senate directing the Auditor of State, Attorney-General, and Secretary of State, to report to the Senate their proceedings under the act "to cancel the contract for the Enlargement of the Lewistown Reservoir," passed 12th April, 1858, and also all "testimony taken by them in the performance of their duties" under that act, beg leave to submit the following

REPORT:

At the earliest moment after its passage which other more pressing official business would permit, the undersigned entered upon the discharge of the duties devolved upon them by the act, and upon the third day of June, as preliminary to the investigations which they were required to make, notified the Miami Hydraulic and Manufacturing Company to furnish forthwith to the undersigned "a full and detailed statement of all its accounts for the construction of the Enlargement of the Lewistown Reservoir—of its indebtedness to any person or persons for labor or work or materials used in the construction of the Enlargement —of all moneys received by it or its assigns from the lease or sale of the surplus water of said Reservoir or of the Miami and Erie Canal, and also copies of all leases or other instruments leasing or otherwise disposing of said water." Certain accounts and other papers were furnished by the Company under this notice which were afterwards attached to some of the depositions, and still remain so attached.

On the 18th day of June two of the undersigned proceeded to Piqua, where the office of the Company is situated, and made a partial examination of its books and papers.

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The slight preliminary examination thus made rendered very apparent what indeed was also evident from the general nature of the investigation directed by the law itself, that a knowledge of the mode of constructing and measuring earthworks and water-ways, as well as of the general cost of such constructions, would be constantly requisite to any intelligent or rightful execution of the duties with which the undersigned were charged. Having no such knowledge, they called to their assistance the services of Richard Page, Esq., Civil Engineer, who was highly recommended to them as in every way fitted for that purpose (and to whose really most valuable aid they desire in passing to bear testimony), and on the twenty-third day of June, two of the undersigned, accompanied by him, proceeded "to view and examine the premises and work in question." After such "view and examination" had been made they returned to Columbus, leaving Mr. Page to continue the examination, and directing him to take such measurements as might be necessary to verify the quantities of work charged in the books of the Company, and also to make a rigid examination of every item contained in the "Detailed Statement" of the cost of construction as furnished by the Company. This investigation (necessarily a work of much time and labor), and other official duties of the undersigned, consumed the interval until the fourth day of August, at which time the commission began taking the testimony, and proceeded therein at intervals until about the middle of September.

Without going into details, it may be generally stated that each item of the accounts presented by the Company was rigidly scrutinized, and every person known or supposed to be able to throw any light upon the subject matter of the investigation was summoned and most thoroughly examined. The names of the witnesses thus called and examined are:

T. L. P. Defrees, of Piqua;
William J. Jackson, of Napoleon;
John Boyle, of Cincinnati;
P. E. Roach, of Lancaster;
S. R. Lawder, of Piqua;
Jonathan Richmond, of Butler county;
Alex. G. Conover, of Piqua;
Sam. E. Brown, of Piqua;
Samuel Gordon, of Piqua;

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Richard Page, of Columbus;
E. S. Hamlin, of Hamilton county;
William H. Gibson, of Tiffin;
Jos. Cooper, of Hamilton county;
Alex. P. Miller, of Butler county;

and the testimony given by them respectively is herewith transmitted to the Senate, together with the Exhibits referred to by each witness.

Besides the testimony taken directly before the undersigned, they procured from the "Treasury Commission" extracts from evidence given before it by William H. Gibson and Charles L. Johnson, in reference to certain subjects which in the course of their investigation it became necessary for the undersigned likewise to examine—and which extracts are also herewith transmitted.

This mass of evidence is believed to comprise all the facts necessary to a rightful determination of the cost of constructing the Enlargement of the Reservoir, but without undertaking here to sum up this evidence, the undersigned will content themselves with stating the general conclusions at which they arrived, respectfully referring the Senate to the testimony itself for the details of all matters comprehended within these conclusions.

I. That the work of constructing the Enlargement of the Reservoir was thoroughly done, and that the enlargement itself is in every way well adapted to the purpose intended to be accomplished by its construction.

II. That the actual cost of constructing the Enlargement, including the lands purchased by the Company and actually necessary to the construction of the Reservoir or the protection of the embankments, reasonable salaries or compensation for superintendence of the work thereon, and interest at the rate of six per centum on payments actually made by said Company or its assignors, was seventy thousand two hundred and forty-seven dollars and twenty-four cents ($70,247 24), upon which sum—as it represents either money actually paid or still subsisting liabilities incurred for construction and bearing interest—the Company ought to receive interest, and which, with interest to that date, amounted on the twentieth day of August, 1858, to seventy-five thousand five hundred and eighty-seven dollars and seventy-nine cents ($75,587 79).

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This aggregate sum is made up of the following items:

Construction proper	$52,852 92
Engineering service	4,851 17
Expenses of superintendence	2,548 23
Real estate purchased and necessary to Enlargement	9,994 92
	$70,247 24
Interest to August 20, 1858	5,340 55
Total amount due 20th of August, 1858	$75,587 79

The various accounts furnished by the Company as showing the cost to it of constructing the Enlargement represent that cost to have been eighty-five thousand and three dollars and twenty-one cents ($85,003 21,) exclusive of interest, which being computed to 20th August, 1858, made ninety-one thousand one hundred and sixty-seven dollars and eighty-five cents, ($91,167 85,) as the sum then claimed by it to be due for the cost of the Enlargement, and showing a difference between the sum claimed and that allowed by the undersigned of fifteen thousand five hundred and ninety-nine dollars and eighty-six cents, ($15,599 86.) Large as this discrepancy seems, it will be readily accounted for by a glance at the items of the detailed statement of the Company. Very many of these items represent expenses due solely to the corporate organization of the Company, which, however convenient for the ulterior object it had in view, was certainly not of any service in the mere work of construction—others are for moneys disbursed in the purchase of real estate, such as the Lockington land, situated at a great distance from the Reservoir, and purchased solely with a view to the use thereon of the surplus water power to be created by the Enlargement; and still others represent interest on moneys borrowed to pay the contractors; which payments themselves by the terms of law also draw interest; while one very considerable item is a charge for "Law Expenses," and embraces among other things, costs and fees paid or agreed to be paid in preparing to vindicate the right of the Company to construct the Enlargement—which right was assailed in certain legal proceedings instituted against the Company, but subsequently discontinued. However legitimate these disbursements and such as these may have been in themselves and with reference to the ultimate purposes of the Company, they had certainly no necessary connection with the work of enlarging

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the Reservoir, and cannot therefore be rightly considered as entering into the cost of construction. Excluding these items, and such others as stood upon the same footing, but including the sums paid or agreed to be paid directly for work and materials, with interest thereon—for engineering services—for necessary superintendence—and for lands included within the Enlargement or covered by the embankment as necessary to its protection, the undersigned arrived at the result already stated. The only obstacle encountered in attaining this result, was the difficulty of determining what items could or could not be legitimately classed under the heads of engineering and superintendence—and in order to satisfy themselves of the accuracy of the classification made by them they subjected it to the following test: Upon inquiry it was ascertained that the general average ratio which in works of this kind the cost of engineering, superintendence and all necessary incidental expenses bears to the sum expended directly for work and labor, is from ten to fourteen per cent. upon the latter. Considering the more than ordinary difficulties, arising mainly from the nature of the surrounding country, which were encountered in the prosecution of the work, and its comparatively small proportions,—which necessarily increased the ratio of these items beyond that found to obtain in works of greater magnitude—it was thought just to take the highest average ratio, or fourteen per cent. The application of this rule gave a result which differed by less than one hundred dollars from that obtained in the first mode, and of course left no doubt as to the accuracy either of the rule of classification of the items thus adopted, or of the product which it had yielded. They have therefore no difficulty in reporting to the Senate that the whole sum legitimately expended by the Company in and about the construction of the Enlargement—including Engineering, superintendence, real estate purchased, and interest to the 20th August 1858,—is seventy-five thousand five hundred and eighty-seven dollars and seventy-nine cents, ($75,587 79.)

For a very able and thorough analysis of the construction account presented by the Company, reference is made to the elaborate report of Mr. Page, herewith transmitted.

III. The actual amount received by the Company or its assigns from the lease or sale of surplus water from said Reservoir or from the Miami and Erie Canal is fourteen thousand two hundred and twenty-three dol-

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lars and eleven cents, ($14,223 11,) to which five hundred and seventy-four dollars, ($574,) must be added for interest from the time the same was received to the twentieth day of August, 1858,—and which would make fourteen thousand seven hundred and ninety-seven dollars and seventeen cents, ($14,797 17,) as the sum to be charged against the Company on that day. This being deducted from the amount found to be due on account of construction gave a balance of sixty thousand seven hundred and ninety dollars and sixty-three cents, ($60,790 63,) which the undersigned found and determined was the sum which, with interest from the twentieth day of August, 1858, to the day of payment, the undersigned would, if nothing further had appeared, at once have offered to pay, according to the provisions of the act, in final settlement and adjustment of "all the accounts of the Company," for the construction of the Enlargement—and which, if accepted of the Company, would have determined forever this long standing and every way painful subject of controversy. But it was not so to be, for

IV. In the course of the investigation the fact was elicited that E. S. Hamlin, Esq., then not only a stockholder in and director of the Company, but also one of a committee (of which Joseph Cooper and J. G. Young were the other members) appointed by it to raise money, had in December, 1856, borrowed, in the name and on behalf of the Company the sum of twelve thousand dollars, ($12,000,) from William H. Gibson, Esq., then Treasurer of the State, for the repayment of which the paper of the Company, payable to the order of the aforesaid committee, and by them indorsed in blank, was given to Gibson. This paper, which consisted of two notes of six thousand dollars each, had, it seems, been previously executed by the Company, and delivered to this committee to be negotiated, and the other two members of the committee had confided the negotiation to Hamlin alone. Subsequently, but at what precise date the testimony does not disclose, Hamlin, still standing in the same relation to the Company, borrowed of Gibson, who was also still Treasurer, the further sum of twelve thousand dollars, for which he (Hamlin) then or at some subsequent day gave to Gibson his draft "on his brother (F. V. Hamlin) of New York"—payable to the individual order of Gibson. Notwithstanding the form of the transaction, the last loan was in fact made for the Company, and the whole sum of twenty-

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four thousand dollars thus borrowed from Gibson was paid over to the Company and applied by it to the construction of the Enlargement.

In the testimony given by Mr. Gibson before the undersigned, he affirms unequivocally that excepting the sum of three thousand four hundred dollars ($3,400) which he states was afterwards reimbursed by him to the State—no part of this loan consisted of funds entrusted to him as Treasurer, but that it was made with moneys partly belonging to himself individually—partly held by him as guardian of certain named minor children, and administrator of certain specified estates—and partly as attorney for certain undisclosed principals. But in the testimony given by him before the Treasury Commission of which extracts were furnished to the undersigned, and are to be found in the papers herewith transmitted, he states that all the money loaned, except four thousand dollars which he admits belonged to the State, was either his own property or that of the heirs of Richard Williams and Jacob Fleming, of whom he was guardian, and that he "entered upon his memorandum of accounts that the money loaned Hamlin was the money of the heirs of Richard Williams and Jacob Fleming, and that the drafts of Hamlin represented their interest or were their property."

The accompanying transcript of his settlements as such guardian of the heirs of Williams and Fleming, filed in the Probate Court of Seneca county, show, however, that at the time of this transaction he could not have had in his hands more than about six thousand dollars belonging to these heirs, while the sum loaned on Hamlin's drafts, which in the extract last cited he says belonged to them, was twelve thousand dollars. Omitting further comment upon the testimony bearing upon this point, it is sufficient here to say that after a most anxious consideration of all the evidence, the undersigned have been unable to resist the conviction that the whole sum of twenty-four thousand dollars thus lent by Gibson was the proper money of the State, so that to the extent of this sum the Company was in effect charging to the State its own moneys, unlawfully taken from the Treasury.

There is, however, no evidence to show that any of the officers of the Company save Hamlin and Cooper, were advised that any part of this money had been borrowed of Gibson, and indeed all of them save the two mentioned, who were examined, denied any such knowledge until the surrender to it, duly canceled, of the two notes of the Company, as

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hereafter stated. Whether this ignorance on the part of some of the officers of the Company concerning the act of its own authorized agents can avail the Company, is a question which may for the present remain undetermined.

But Hamlin testifies that he was assured by Gibson and always believed that the money loaned was Gibson's own property, and hence it was said that whatever the fact might have been, the transaction, so far as the Company or Hamlin was concerned, must be regarded as made with Gibson in his individual, and not official, capacity. And thereupon evidence was produced by the Company from which it appeared that in the month of June, 1857, it had furnished Hamlin with means (consisting partly of money and partly of stockholders' notes, secured by pledge of stock of the Company) sufficient to pay this loan, (the officers of the Company, with the exception stated, still being ignorant that the loan had been made from Gibson;) in consideration of which Hamlin undertook to procure the discharge of the Company from any obligation for the loan—and that in the month of December, 1857, (which, be it noted, was long after the default in the Treasury had been made public,) Hamlin made some arrangement—the precise nature of which is not very clearly stated—with Gibson or with Charles L. Johnson, his assignee, by which he procured the surrender of his own drafts and the two notes of the Company negotiated by him to Gibson for the first loan of twelve thousand dollars, which notes were then canceled and returned by him to the Company pursuant to his undertaking.

Upon this state of fact it was insisted by the Company that it had once discharged its liability growing out of this loan by full payment thereof to the apparent lawful holder of the securities on which it was made, without any notice that he was not in fact such lawful holder—that consequently it was under no obligation, legal or equitable, to the State on account thereof, even though the money loaned by Gibson belonged to the State, and that the State must look to Gibson and his sureties alone for indemnity against its loss.

The undersigned, however, did not undertake to determine the questions thus presented. For on the one hand, it was clear that if determined against it the Company would accept no award founded on that determination, and the law does not bind it to abide by the action of the undersigned; while on the other hand if determined against the State,

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the virtual cost of the Reservoir to it would far exceed any sum designed by the Legislature to be paid for its construction.

Considering therefore that the evidence upon this subject disclosed a condition of things certainly not contemplated when the law directing the adjustment was enacted—and also that the matter of this loan fell directly within the range of the inquiry devolved upon the "Treasury Commission" then and now in session, by the labors of which further light might be shed on this transaction—the undersigned deemed it their duty to defer the final settlement authorized by the law, until this unexpected complication of the affair should be submitted to the General Assembly, and such further action should be taken by it in this behalf as to the legislative judgment might seem best.

All of which is respectfully submitted,

F. M. WRIGHT, *Aud. of State.*
C. P. WOLCOTT, *Atto. Gen'l.*
A. P. RUSSELL, *Sec'y of State.*

3 February, 1859.

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EVIDENCE

Taken before the Auditor of State, Attorney General and Secretary of State, in the matter of the Lewistown Reservoir Enlargement, under the provisions of an act passed April 12th, 1858, entitled "An Act to cancel the contract for the Enlargement of the Lewistown Reservoir."

COLUMBUS, OHIO, 4 August, 1858.

T. L. P. Defrees, of Piqua, Miami county, being first duly sworn, testified as follows:

1 Question. Were you one of the parties who originally contracted with the Board of Public Works for the construction of the Lewistown Reservoir, under the act of April 7th, 1856, and if so, who were the other parties interested with you in that contract?

Answer. I was one of the parties. James G. Haley, Napoleon, Henry county, and Michael C. Ryan, of Hamilton, Butler county, were the other parties.

2 Ques. Was any work done by the parties above named towards the construction of the Enlargement, under said contract?

Ans. No work was done towards the construction, except that the preliminary surveys were made.

3 Ques. By whom was the work contemplated by this contract done, or attempted to be done?

Ans. By the Miami Hydraulic and Manufacturing Company. On the first day of June, 1856, a corporation under the name of the Miami Hydraulic and Manufacturing Company was organized, under the general law of the State, for the contemplated purpose of performing the work under the contract made by the above parties with the State, to which Company the contract was assigned on the first day of July, 1856. With the exception of the preliminary surveys, this Company has done and procured to be done all the work under the contract.

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4 Ques. Was the work in the construction of the Enlargement done directly by the Company, or through the medium of contracts?

Ans. Mostly by contracts.

5 Ques. How many contracts for construction were made by the Company, and with whom?

Ans. Three contracts: One with Boyle & Roach, for earth work; one with Rain & Lawder, for timber work in waste weir; and one with Daniel Mahony, for earth work.

[Copies of each of these contracts were produced by witness—marked severally A, B, and C, and identified. See APPENDIX I.]

Mahony died before the completion of his contract, and the work under it was finished by the Company.

6 Ques. Have you prepared a detailed statement of all sums expended by the Company in the construction of the Enlargement of the Lewistown Reservoir?

Ans. I have prepared and now produce such statement.

[Produced by witness, identified and marked. See APPENDIX II.]

7 Ques. Has the Company actually disbursed, in good faith, all moneys represented by these statements to have been paid by it to any person or persons?

Ans. Yes.

8 Ques. Is the Company actually and in good faith indebted to each of the persons named in these statements as the creditors of the Company, and for the respective amounts therein stated?

Ans. Yes.

9 Ques. Were any of the persons whom you have named as contractors of the Company, interested, as stockholders of the Company or otherwise?

Ans. No.

10 Ques. Is there any agreement or understanding of any kind between the Company or its officers and any of the parties here represented as the creditors of the Company, that they will refund any portion of the funds paid or to be paid to them, to the Company.

Ans. No.

11 Ques. What officer of the Company had the supervision of the construction of the Enlargement?

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Ans. William J. Jackson, Chief Engineer—who was also a stockholder in the Company.

12 Ques. Was the work of supervising the Enlargement entrusted solely to Mr. Jackson?

Ans. No. After the letting of the work it was, solely to Mr. Jackson: Prior to that time I assisted about two months in making the preliminary surveys. Also, Mr. Erwin, one of the Directors of the Company, acted as Consulting Engineer. The detailed statements show the length of time during which these services were discharged, and the amounts paid to each person.

13 Ques. In the statement of account furnished by you there are several items of sums paid to the President, Secretary, and Treasurer, and the Directors of the Company, for their services. Did these services have an immediate connection with the work done on the Enlargement of the Reservoir, and if so please state how, and what the connection was?

Ans. The services of these officers were mainly devoted to the financial affairs of the Company—to the raising of funds to defray the expenses of the Enlargement. They, however, made some visits to the Reservoir in order to ascertain the manner in which the work was progressing, and take such action thereupon as the interests of the Company might seem to require. From one-third to one-fourth of the gross sum paid to those officers probably has reference to expenses incurred by them in making these visits.

14 Ques. Who were the officers of the Miami Hydraulic and Manufacturing Company, from its organization to the present time?

Ans. The Directors for the first eighteen months were—Alex. P. Miller, M. C. Ryan, T. L. P. Defrees, E. S. Hamlin, John Paul, John W. Erwin, James G. Haley. T. L. P. Defrees was President; S. C. Brown, Secretary; John Yager, Treasurer; W. J. Jackson, Engineer. These were the officers from the organization of the Company up to 5th January, 1858, (with the exception that Mr. Hamlin served as Treasurer for about three months,) when an election was had, and Mr. Jackson was elected in place of Mr. Haley, and Mr. Gilson in place of Mr. Paul, as Directors; Mr. Miller was elected President, Mr. Defrees Treasurer, and Mr. Gordon Secretary.

15 Ques. Has any person at any time held more than one office or

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appointment under the Company, and received payment or charged for services or expenses in each capacity?

Ans. No.

16 Ques. Has there been any instance in which the Company has paid two-fold for the same service or expense in any way?

Ans. No.

17 Ques. Has the Company at any time paid out for expenses any sums beyond those actually expended for that purpose?

Ans. No.

18 Ques. Through what officer or officers did the Company purchase the real estate which it acquired?

Ans. The greater part was purchased by myself as President of the Company. Mr. Jackson purchased some, and Mr. Erwin purchased one parcel.

19 Ques. How much land was purchased, and what is the aggregate amount paid or agreed to be paid therefor?

Ans. All of the real estate purchased by the Company, as well as the price paid or agreed to be paid therefor, is set forth in the real estate account, which I have already produced. This account is correct. All the real estate has been paid for except about $1,100—of which $450 is due to the Louisville and Sandusky Railroad Company (entered as purchased from Bailey); about $500 to T. L. Ramsey, of Preble county; and about $60 to the heirs of Joseph Archer, who are minors.

20 Ques. Did the Company, prior to the purchase of these lands, cause the title to each parcel to be examined?

Ans. We did.

21 Ques. Is the title to each piece contained in the real estate account perfect, and are there no liens or encumbrances of any kind upon any part of this real estate?

Ans. The title is perfect, and the lands are all clear of encumbrance.

22 Ques. How much of the land purchased by the Company, as set forth in that account, is covered by the Reservoir, including the embankment and the strip averaging 70 feet wide outside of the embankment?

Ans. I cannot now answer the question, but will prepare and hand in a statement thereof. [See APPENDIX III.]

23 Ques. Has the Company acquired the title to all the land?

Ans. The title to each piece set forth in the account was either con-

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veyed to the Company, or, by the direction of the Company immediately to the State.

24 Ques. Does the Company still retain the title to the lands which were directly conveyed to it?

Ans. We have conveyed nearly all of the lands deeded to the Company, to the State.

25 Ques. Has the Company conveyed to the State all of the lands to which it acquired title, which are necessary for the Reservoir?

Ans. The Company has conveyed to the State all the lands to which it acquired title, which are necessary for the Reservoir, though there are two pieces (the Johnson and Van Horne pieces), which we think the State ought in equity to take from us.

26 Ques. Of how much land purchased by the Company does it now retain the title?

Ans. About one hundred and seven acres at the Reservoir, and the Lockington land.

27 Ques. What was the sum paid by the Company for the lands which it still thus retains?

Ans. About $5,884. But the lands at the Reservoir, detached from the parcels contained in the Reservoir, are not worth more than five or six hundred dollars.

28 Ques. Has the Company actually paid, or become liable to pay, for each piece of land contained in the real estate account, the sum that is therein affixed to each parcel as the price paid for it?

Ans. Yes.

29 Ques. By whom was the sum paid for this land disbursed—what officer of the Company?

Ans. By myself, as President, or Mr. Jackson acting for me.

30 Ques. For what purpose were the Lockington lands purchased?

Ans. The lands were not purchased for the construction of the Reservoir, but it was necessary to purchase them in order to use the surplus water at Lockington, created from the Enlargement of the Reservoir. The water power created by the Enlargement cannot be made available without the ownership of these lands.

31 Ques. What salaries were paid to the President and other officers of the Company?

Ans. There was paid to the President of the Company, from its or-

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ganization up to September, 1857, $1,000 per year, and expenses; to the Directors, three dollars per day while in actual service, and expenses; to the Secretary, $500 per annum, and expenses when absent from home; Treasurer, $300 per annum, and expenses when absent from home; Chief Engineer, $1,500 per year—he paying his own expenses. These prices were from the organization of the Company up to 15 September 1857. Since that time the President, Treasurer and Engineer have been allowed $5 per day and pay their own expenses, while in service. The Secretary's salary was not changed until the first of January, 1858; since that time he has received $400 per annum.

32 Ques. Under the head of expenses of officers there is charged a sum of between six and seven hundred dollars for expenses of certain named directors to New York, Philadelphia, &c. What connection had these visits with the construction of the Reservoir?

Ans. They were made for the purpose of obtaining funds to carry on the work.

33 Ques. What other items in the statement of expenses represent sums paid for the same purpose of raising money?

Ans. There is one other item of $78, charged by Mr. Young, who was financial agent in connection with Mr. Hamlin. I believe that is all.

34 Ques. There is also contained in the account last referred to an item of $190, as paid to you 4th January 1858, when you were President of the Company, for auditing accounts. Was not the sum paid you in addition to your salary as President? If not, please explain the item.

Ans. At that time I was receiving a salary of five dollars per day while actually employed in the business of the Company. I spent thirty-eight days in auditing accounts, which amounted to this sum of $190.

35 Ques. There is also another item, under the same date, of $134 60, paid you for services and expenses. Please explain that also.

Ans. That was for services and expenses after the fifteenth of September, 1857, but previous to the time the services were rendered in auditing accounts. Both accounts were rendered on the same day.

36 Ques. There is also an item of $133 80 allowed 23 June 1858, to J. W. Erwin, for auditing accounts. This in connection with the sum paid you in the preceding January for the same purpose, makes $320 80

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paid by the Company in the space of about six months for auditing accounts. What rendered it necessary to expend so large a sum for this service?

Ans. Our book-keeper, prior to the first of January, 1857, not being a book-keeper by profession, had undertaken to keep our accounts by the mode of single entry, and had done it even in this way so imperfectly that the books became so confused it became necessary to reconstruct the accounts. These items represent sums paid in this service.

37 Ques. Are you able to state the specific service rendered by each Director or other officer receiving a per diem compensation, for which a charge is made in the account produced?

Ans. I am not able to do so, specifically. When the accounts were made the charges were allowed with a clear understanding of the duties performed. We did not expect at that time to submit our accounts to any other examination. They were then known to be correct, and at this distance of time I am unable to particularize.

38 Ques. By whom were the accounts for services and expenses paid to the Directors audited and allowed?

Ans. All accounts were submitted to the Board, until an auditing committee was appointed; and after that either to the committee or the Board. All accounts referred to by your question have been audited by either the one or the other.

39 Ques. Were the respective items of the Expense account which has been rendered paid or allowed at the dates thereof, as set forth in the account?

Ans. They were.

40 Ques. What sum has been received by the Company from the water leases assigned to it by the Board of Public Works?

Ans. $14,223 11. Of this amount I collected last May $5,705 74, rents due at that time. The balance of this amount was collected by Mr. Hamlin—in May, 1857, $4,633 81; and in November, $3,883 56—as returned to the Company by Mr. Hamlin in his bill.

41 Ques. Please state the names of the various persons from whom rents have been received, together with the amounts received from each, distinguishing also the names of the original lessees upon whose leases the rents were paid.

Ans. I have prepared and annex a statement showing the names of

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the various persons from whom rent has been received, with the amount received from each. [See APPENDIX VIII.] The original leases in many instances having been assigned, and new leases in other instances having been given, it would be a work of great difficulty to furnish the names of the original lessees, in all cases.

42 Ques. How much rent which has accrued since the date of the assignment to the Company now remains due and unpaid?

Ans. The leases being subject to deduction in certain contingencies therein provided for, and such contingencies having in many cases happened, it is impossible to give an accurate answer to this question. Speaking conjecturally, I should estimate the amount now remaining due and unpaid at about $5,000.

43 Ques. What is the capital stock of the Company?

Ans. $400,000.

44 Ques. What is the par value per share, and how much stock has been issued?

Ans. The shares are $100 each, and about $110,000 has been issued —as near as I can tell in the absence of the stock books.

45 Ques. How much has been paid per share on the stock already issued?

Ans. Twenty-five dollars. Besides this, a number of persons have paid for stock at the same rate of $25 per share, but the stock has not yet been issued.

46 Ques. What sum has been paid by the Company as interest upon money borrowed by it?

Ans. $2,470 55.

47 Ques. There is an item in the account which you have presented of $1,203 41 as disbursed for law expenses. Please state specifically for what expenses this money was paid.

Ans. The greater part of this expense was incurred in resisting an application for an injunction to prevent the Company from constructing the Enlargement, and was paid to the lawyers employed by the Company for that purpose. A statement of the sums paid to each of the attorneys is contained in the account. The remainder of the amount was a charge for the examination of land titles.

48 Ques. Were each of the items contained in the various accounts

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of the Company now presented for settlement, made in the proper account books of the Company at the time that the indebtedness or payment represented by each item occurred, and are these accounts exact transcripts from the account books of the Company?

Ans. The accounts are copied from the account books of the Company, and each item therein was entered as the subject matter thereof accrued from time to time, and the account as presented is a true statement of accounts from the books of the Company.

49 Ques. Did the Company or any one of its authorized agents borrow any money or negotiate any of its securities to Wm. H. Gibson?

Ans. Young, Cooper and Hamlin were appointed a Financial Committee, and in December, 1856, two notes of the Company of $6,000 each were executed and placed in their hands to raise money on. That money was obtained in December, but I never knew until the return of the notes in whose hands they had been placed. I found Mr. Gibson's name on the back of the notes, and from what I had heard about the matter from others, I was satisfied they had been with Mr. Gibson. I never had any knowledge or suspicion that the notes had been negotiated or the money obtained of Mr. Gibson until the time of the settlement with Mr. Hamlin, in June, 1857. This is the only instance in which I have ever heard of money being borrowed from Mr. Gibson by the Company, or by any one acting as agent of the Company, or in any way for it.

(Signed) T. L. P. DEFREES.

Also, William J. Jackson, of Napoleon, being duly sworn, testified as follows:

1 Question. Have you been in any way connected with the construction of the Enlargement of the Lewistown Reservoir, and if so in what capacity?

Answer. I was employed in the Spring of 1856, by Ryan, Haley and Defrees, to make the preliminary surveys. In the middle of July, 1856, I was elected engineer by the Miami Hydraulic and Manufacturing Company. While I was employed by Ryan, Haley and Defrees, I received five dollars per day for my services, and after my election as Engineer received $1,500 per year. I continued Engineer of the Company from the date of my appointment to the completion of the work. I have also been a stockholder of the Company from the time of its formation.

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2 Ques. When was the work of construction actually commenced?

Ans. About the first of October, 1856.

3 Ques. In what mode was the work prosecuted?

Ans. The company originally made contracts designed to cover all the work; but after the death of one of the contractors, (Mahony,) the work under his contract was completed under the immediate direction of the Company, and the hands were paid by the Company. The residue of the work—under the contracts of Boyle & Roach, and Rain & Lawder—was prosecuted to completion by the contractors.

4 Ques. What was the cost of the work done by Boyle & Roach, which the Company have paid, or remain liable to pay?

Ans. $44,000.

5 Ques. What sum was paid, or agreed to be paid by the Company, to Rain & Lawder, for the work done by them in the construction of this Enlargement?

Ans. $4,208 36.

6 Ques. What was the sum paid by the Company to Daniel Mahony, for work done by him under his contract?

Ans. The amount paid to him during his lifetime, and to his representatives after his death, was $2,192 79.

7 Ques. What was the amount paid by the Company for labor done after Mahony's death, upon work included in the contract with him?

Ans. $1,964.

8 Ques. What other sums, in addition to those already enumerated, which are properly chargeable to the cost of constructing the Enlargement, have been paid or agreed to be paid by the Company?

Ans. The iron work for waste weir, which was not included in Rain & Lawder's contract	$182 80
Amounts paid for other items of construction, as per detailed statement	550 80
Engineer service	5,341 99
Proportion of officers' salaries applicable to construction	3,625 00
General expenses of Company	1,950 00
Interest on money borrowed	2,522 62
	$14,173 21

The above items cover all the costs of payments for work; but I con-

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sider all other moneys expended by the Company, properly chargeable to and incidents of the construction of the Lewistown Reservoir.

9 Ques. Please give a statement in detail of the items under the heads of "Amounts paid for other items of construction," "Engineer service," "Proportion of officers' salaries applicable to construction," "General expenses of Company," and "Interest on money borrowed."

Ans. I have already prepared and produce such statement, to be attached to my deposition—each statement being identified by my signature. [See APPENDIX IV.]

10 Ques. Independent of your own salary as Chief Engineer, are the sums which, in the detailed statement, are charged for engineering services the same rates which are ordinarily paid for the same kind of services?

Ans. Yes.

11 Ques. Were these services, as charged, necessarily incurred in and about the construction of the Enlargement?

Ans. They were.

12 Ques. By what principle do you charge under the head of construction the sum paid by the Company for interest on money borrowed by it?

Ans. It was a necessary expense in procuring the funds to pay for the work.

13 Ques. This item of interest on borrowed money was *not*, then, expended for any labor done on, or materials furnished for the Enlargement of the Reservoir?

Ans. A part of it was. Under this head, I have included interest paid contractors for money due them for work done. The detailed statement will show the amount of interest thus paid to contractors. Another part of this item is composed of interest paid on account of the purchases of real estate included in the Reservoir, and is not included in the real estate account. The residue of the item referred to in your question, was not expended in labor done on, or materials furnished for the Reservoir; but was paid for money borrowed by the Company and disbursed for it in the cost of construction.

14 Ques. What species of services rendered by the officers, exclusive of the engineer, have you included in your statement as applicable to the cost of construction?

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Ans. They were visiting and examining work, approving contracts, keeping record of the proceedings in reference to work, and performing services immediately connected with the construction.

15 Ques. What services were they performing "immediately connected with the construction?"

Ans. The efforts made and expenses incurred by them in expediting the work of construction.

16 Ques. What general expenses of the Company have you included in your item of the "cost of construction?"

Ans. I have included a proportion of the expenses of the Company's office—the necessary books, stationery, seal, &c. The detailed statement will explain more fully the nature of the expenses which have been included. [See APPENDIX VII.]

17 Ques. Have any of the directors of the Company, who were also officers of the Company, been paid or have they charged for services as directors, and also as officers, or is any such item included in the accounts of the Company here produced?

Ans. No sir. Nothing of the kind.

18 Ques. Have any sums been paid or charged in the account as expenses of officers and directors, beyond the sums actually and in good faith disbursed by such officers and directors while engaged in the business of the Company?

Ans. No sir. Not to my knowledge or belief.

19 Ques. Do you know of any instance, or have you any reason to believe that there is such, in which two-fold payment has been made in any shape or form, for the same service or services, whether to officers or otherwise?

Ans. I do not know of any, and do not believe there is an instance of the kind.

20 Ques. By whom was the work, done in constructing the Enlargement, measured and determined?

Ans. By me, as the Engineer.

21 Ques. What was the number of cubic yards of excavation and embankment?

Ans. The number of cubic yards of excavation and embankment by Boyle & Roach was ascertained by actual measurement by me to be 192,019 38–100 cubic yards of embankment, and 10,298 41–100 of exca-

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vation; the work done on Mahony's contract was not measured after his death,—the cost of it being determined by the amount paid by the Company to the laborers.

22 Ques. Was any sum allowed to Boyle & Roach in the final estimate beyond the two items of earth work embraced in your previous answer?

Ans. Yes. There was an item for grubbing and clearing, amounting to $760, which was embraced in the contract, and also an item of $200, for extra grubbing in drain ditch, which was allowed them on account of a change in the line. Also, an item of $20 for putting in a culvert where a road embankment crossed the drain ditch, which I ordered to be done to protect the land adjoining from overflow by stoppage of the ditch. And there was also an allowance of $1,039 06, made by the Directors, because Boyle & Roach contended that they were entitled to full measurment for excavation of the drain ditch, and also to a much larger allowance than I had made for sinking of the embankment in the "Big Slough." I decided that they were not entitled to such allowance under the contract, but that they were entitled to something for sloping and trimming the ditch; and the allowance above alluded to was made to cover that item. The drain ditch above alluded to was made for the purpose of carrying the water of "Boar Run" (a creek of considerable size) around the embankment, as the natural outlet had been cut off by the construction of the embankment of the Reservoir.

23 Ques. Was the work upon the Enlargement done in a permanent and substantial manner?

Ans. It was.

24 Ques. Did the Company or any of its officers at any time express any dissatisfaction with the manner in which it had been done?

Ans. Never to my knowledge.

25 Ques. How has the work stood, from the time of its construction until now?

Ans. It has all stood remarkably well except the embankment in the "Big Slough," about 450 feet of which has settled—some of it to the depth of eighteen or twenty feet—occasioned by the character of the soil on which it is built. There is also a cut or break in this portion of the embankment of about 150 feet in width at the surface of the water, through which the water flows from the Reservoir.

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26 Ques. How was this breach occasioned?

Ans. It is supposed to have been cut, on the night of the sixteenth of April, 1858.

27 Ques. Upon what ground do you say it was cut, rather than that it arose from defective construction?

Ans. I have reliable information that it was cut by persons living in the vicinity; and through that cut the water was started to flow out, which has worn the opening to its present size. I am satisfied this is the case, because the embankment, without cutting, was so constructed as not to be liable to break.

28 Ques. What will it cost to repair the portion of the embankment spoken of in your three previous answers, in such manner as shall make it secure?

Ans. About $2,500.

29 Ques. How full was the Reservoir at the time of this break or cut?

Ans. It was within about two and a half feet, I should judge, of the water line, or top of the waste weir.

30 Ques. Is the rest of the work now in good condition?

Ans. I believe it is, perfectly so, except a small wash at the end of the apron, outside of the waste weir, which can be repaired now for a very small sum, but is liable to increase by neglect very materially.

31 Ques. Will it require the expenditure of any sum beyond the $2,500 before named by you, to place the Enlarged Reservoir in a substantial condition, and fit for use?

Ans. Yes. It will require the expenditure of a small sum in raising the embankment of the old Reservoir—perhaps of $500. In short, I think $3,000 will place the Reservoir in good condition for use—except the sum necessary to purchase the lands yet unbought.

32 Ques. What sums have been paid by the Company for the purchase of real estate?

Ans. I know very little about the real estate account, except those parcels purchased by me for the Company. Those are correctly stated in the account furnished.

33 Ques. What portion of the lands represented in that account to have been purchased by the Company is actually included within or covered by the embankment?

Ans. I cannot now definitely answer, but will prepare a statement, and attach it to my deposition. [See APPENDIX III.]

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34 Ques. Was it necessary to purchase any lands outside of the embankment for the protection or due use of the Reservoir?

Ans. It was necessary to purchase a strip of from fifty to one hundred feet outside of the embankment, to protect it from trespass, and upon which to locate drain ditch. I will also prepare a statement of the quantity embraced in this item. [See APPENDIX III.]

35 Ques. Has all of the land covered by the Enlargement been purchased by the Company, or is the title of any part of it now held by other persons?

Ans. The Enlargement covers about 4,000 acres, of which 1,400 has been purchased by the Company—the residue being owned by other persons.

36 Ques. In the account furnished there is an item of twenty-eight acres, and four lots, represented to have been purchased in the town of Lockington, at a cost of about $4,500. In what county is Lockington situate, and for what purpose connected with the construction of the Reservoir was it necessary to purchase these lands?

Ans. Lockington is in Shelby county, and is on the summit of the Miami and Erie Canal. I did not participate in the purchase of the lands, and I do not know what purpose connected with the construction of the Reservoir made the purchase necessary.

37 Ques. In your judgment was the purchase of these lands needful, for the purpose of constructing the Reservoir?

Ans. I think not.

38 Ques. Is there any other real estate enumerated in the real estate account not necessarily purchased in order to the construction of the Enlargement?

Ans. There is no other, although some lands were necessarily purchased which were not included within the embankment or the strip running around it.

39 Ques. What sum has the Company realized from the water leases assigned to it by the Board of Public Works?

Ans. I had no connection with that department of the Company, and have no knowledge except that presented in the accounts.

40 Ques. The Company has charged, under the head of construction, four items, amounting to about $2,000, as paid to J. Richmond for hands and for store bills. Please explain these items.

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Ans. The item of $1,313 72, charged in the account as paid hands by J. Richmond, is for goods paid hands employed by the day finishing the work embraced in Mahony's contract (but not finished at the time of his death), and the amount was fixed at that sum by myself and Mr. Richmond upon an inspection of the details of the account in his books, at the office of the Company in Piqua, in presence of the Board of Directors, during a regular meeting; and when the amount was so determined it was credited to Mr. Richmond as a payment from him to the Company, and the amounts so allowed were deducted from the several amounts due hands for labor on the Mahony work for the Company. The balance of the amount referred to—being $854 30—was for payments made by Richmond to hands on the same (Company's) work during my absence from the work, and on my return I refunded him the amount so paid, and charged it in my account with the Company, and on next settlement day deducted it from the amount due for labor on that work.

41 Ques. Has not the State been deprived of the use of the Reservoir during the present season in consequence of the cut or break heretofore referred to in your deposition?

Ans. The Reservoir was useless on account of the break, but the State was not entitled to the use of it until after the first of July—as the contract with the Company did not require them to finish it until that time—and since then it could not have been filled with water for use. The reason the cut or break was not repaired by the Company was that the action of the Legislature last winter placed it in such a condition that it was not known whether the Company or the State should do the work.

(Signed) W. J. JACKSON.

Also, John Boyle, of Cincinnati, being duly sworn, testified as follows:

1 Ques. Were you engaged in the construction of the Enlargement of the Lewistown Reservoir?

Ans. I was one of the firm of Boyle & Roach, engaged in the construction of the embankment, under a contract made with the Miami Hydraulic and Manufacturing Company.

2 Ques. Has the work under your contract been completed?

Ans. Yes.

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3 Ques. Is the paper now shown you, indorsed "Final Estimate," dated 1 December 1857, and signed "W. J. Jackson, Engineer," a correct estimate of the work done by you, whether under the contract or otherwise, in the construction of the Enlargement?

Ans. Yes.

4 Ques. State the cost, as shown by that instrument.

Ans. $44,220 98.

5 Ques. Did the firm of Boyle & Roach actually excavate the quantities and various kinds of excavation, and do the embanking, as set forth in the estimate?

Ans. Yes. I think we did more than the Company allowed us for in the estimate.

6 Ques. Your contract with the Company provides that no extra allowance shall be made for grubbing for drain ditches, and yet the final estimate contains an allowance of $200 for grubbing for drain ditches. How do you explain that?

Ans. Mr. Jackson directed a ditch to be made which we claimed was not covered by our contract, and this amount was allowed us by way of compromise

7 Ques. The estimate also contains an additional allowance by the directors, of $1,039 06. For what work or labor or other thing was this allowance made?

Ans. After Mr. Jackson had made his estimates, we claimed that we were entitled to a further sum under our contract, growing out of the excavation of the drain ditch before referred to, and also for additional work done upon the embankment, caused by the original embankment having settled; and this last item of $1,039 06 was an allowance made for this work.

8 Ques. What does the item in the estimate, "Board at mess by the Company," amounting to $112 32, mean?

Ans. We had a shanty up there, and boarded assistant engineer and hands for the Company, to that amount.

9 Ques. What is the item, "Amount paid hands," amounting to $101 66?

Ans. We had a store there, and out of it paid orders of the Company to the hands, to that amount.

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10 Ques. Hou much have you (Boyle & Roach) received from the Hydraulic Company, under your contract?

Ans. $21,770 54. In addition to this, we have drawn two orders against the Company—one for about $100, payable to T. Howrigan, now held by M. J. Brown, of Piqua; and one for about $4,207, in favor of —— Traver, assignee of J. Richmond—both of which orders are, so far as I know, now outstanding and still unpaid.

11 Ques. How much remains due to you from the Company, for work done on the Enlargement?

Ans. Assuming that the orders above referred to shall be paid by the Company, or that we are not liable thereon, there is a balance of about $18,000 due us from the Company, exclusive of interest.

12 Ques. Do you desire the State to pay this balance to you directly, under the act "to cancel the contracts for the Enlargement of the Lewistown Reservoir?"

Ans. We desire that the State shall pay directly to us the sum of $18,000, under the provisions of that act; but are entirely content to look to the Company alone for any sum beyond that which may be found due.

13 Ques. Is there any understanding or agreement between you or your partner and the Company, or any of its officers or stockholders, that you are to refund to them any portion of the sums received under this contract?

Ans. None—in any shape, manner or form.

(Signed) JOHN BOYLE.

Also, Patrick E. Roach, of Lancaster, who, being duly sworn, testified as follows:

1 Ques. Are you one of the firm of Boyle & Roach, who were engaged in the construction of the Enlargement of the Lewistown Reservoir?

Ans. Yes.

2 Ques. Have you read the deposition of John Boyle, your partner?

Ans. Yes.

3 Ques. Have you personal knowledge of the matters inquired of in that deposition?

Ans. Yes.

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4 Ques. Do you concur with Mr. Boyle in his answers to those interrogatories; and, if not, state wherein you would answer them differently?

Ans. I concur in them all.

5 Ques. Do you desire that the State shall pay to you directly any balance which may be found due you?

Ans. I concur with the answer to this question by my partner, Mr. Boyle

(Signed) P. E. ROACH.

Also, Samuel R. Lawder, of Piqua, being duly sworn, testified as follows:

1 Ques. Were you engaged in the construction of the Enlargement of the Lewistown Reservoir, and if so, in what way?

Ans. I was one of the firm of Rain & Lawder, which had the contract for the construction of the timber work and waste weir.

2 Ques. What was the aggregate contract cost of work done by your firm?

Ans. $4,208 36.

3 Ques. How much of this sum has been paid by the Company?

Ans. It has all been paid, with the exception of about $65—for which amount I hold a note of the Company.

4 Ques. Do you desire that any portion of the amount which may be due you shall be paid you out of any sum which shall be found due the Company on final settlement with the State?

Ans. No. I will look alone to the Company.

5 Ques. Have you completed the work stipulated by your contract?

Ans. We have.

(Signed) S. R. LAWDER.

Also, Jonathan Richmond, of Butler county, being duly sworn, testified as follows:

1 Ques. In what business were you engaged in the years 1856–7?

Ans. In August or September 1856, I took some goods to the Lewistown Reservoir, and kept a store there a portion of the time, 1856–7.

2 Ques. Did you establish this store there at any suggestion of the Hydraulic Company?

Ans. No. I went on my own account.

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3 Ques. Was there any arrangement between you and the Company or any of its officers prior to your going there, that they were to draw orders on you, or the hands receive their pay through the store?

Ans. No.

4. Ques. Did you as matter of fact pay to workmen employed in constructing the Enlargement, money or goods for work done by them?

Ans. I did.

5 Ques. Please state how much and under what arrangement with the Company, or any of its officers?

Ans. I paid to hands employed by Mahony, during his life-time, and for work done before his death, $554 50. This payment was made after Mahony's death, under an arrangement with Mr. Jackson, Engineer of the Company, who promised to and afterwards did reimburse me. This sum was all paid out upon a pay-roll furnished me by Mr. Jackson, and which he prepared from a table kept by Mahony. I also paid out to workmen employed by the Company after Mahony's death to do the work embraced under his contract, $1,313 72—partly in goods out of the store, and partly in money. All the payments constituting this last mentioned sum were made under a pay roll furnished to me by some officer or agent of the Company, and approved by Mr. Jackson. I produce here a statement of the amounts paid, and the names of each of the parties to whom the payments were made, which I will attach to and make a part of my deposition. [See APPENDIX V.]

6. Ques. Has the Company actually repaid to you the full amount of the two items which in your preceding answer you state you have paid out to workmen, and which items in the aggregate amount to $1,868.02?

Ans. Yes—partly in money and partly in stock of the Company.

7 Ques. Had the Company or any of its stockholders any interest in your store, or did they desire any profits from sales made by you to the workmen?

Ans. No. There was no one interested but myself, and I lost money by the transaction.

8 Ques. Are you a stockholder in the Company, and if so for what amount, and for how long?

Ans. As nearly as I can recollect I became a stockholder in the latter

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part of July, 1856, to the amount of between fourteen and fifteen thousand dollars.

Mr. Richmond desires to state that he has a claim against the Company which he never yet has presented to them, not having had the facts necessary in his possession at the time of his settlement with the Company, arising as follows: Boarding the hands for Company, commencing 16 February 1757, and ending 6 May same year, amounting to $115.

I have also been employed by the Company as its agent in transacting business, paying my own expenses—which expenses and time amount to $70. I went to Piqua, Urbana and other places, several times, at the request of Mr. Jackson, to raise money to pay off the hands. I went once to Dayton to meet Mr. Defrees and Mr. Jackson, on some business connected with a lawsuit, and went from there to Huntsville, on the business of the Company. It was for these services and such as these, and the expenses attending them, that this item of $70 is charged.

(Singed) J. RICHMOND.

Also, came Alexander G. Conover, of Piqua, who, being duly sworn, testified as follows:

1 Ques. What is your occupation?

Ans. I am a member of the Board of Public Works.

2 Ques. Of what Division of the Public Works have you the charge?

Ans. The Southern Division of the Miami and Erie Canal, from the Junction to the Ohio River.

3 Ques. Is the Lewistown Reservoir within your Division?

Ans. Yes.

4 Ques. How recently have you examined the Enlargement of the Reservoir?

Ans. I think the twenty-eighth of December, 1857.

5 Ques. By whom was the plan for the construction of the Enlargement furnished?

Ans. By myself, as the member in charge of that Division.

6 Ques. Was the Enlargement actually made upon that plan, and in a substantial manner?

Ans. It was constructed in accordance with the plan, with the exceptions of a spur bank—of raising the old embankment fifteen to eighteen inches—and the clearing out of the channel of the Miami river for some

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distance below—which last may be necessary and may be not. It was also done in a substantial manner, except that the embankment settled over the "Big Slough."

7 Ques. With the exceptions noticed in your last answer, has the Enlargement been constructed so as to be satisfactory to you?

Ans. It has.

8 Ques. Have you examined the land and town lots purchased by the Company at Lockington?

Ans. I have examined them, as pointed out by Mr. Defrees, who accompanied me.

9 Ques. Is the ownership of these Lockington lands necessary to the use of the water power created by the construction of the Enlargement.

Ans. I think three of the lots, and about fifteen acres of the land, are essential to the ownership of the water power.

10 Ques. Can the water power available at that point be so well or better used at any other?

Ans. It can be better used there than at any other point.

11 Ques. If the State were now in possession and control of the Enlarged Reservoir, would you as a member of the Board of Public Works, purchase on behalf of the State so much of the land and town lots as is indicated in answer to question 9, for the purpose of controlling the water power at that point?

Ans. I think I would, at the same rates paid by the Company.

12 Ques. Are you able to state the amount of water rents collected by the Company up to this time?

Ans. I am not.

13 Ques. Do you know of any other matter or thing which will throw light upon the accounts of the construction of the Reservoir, now under investigation?

Ans. I don't think of any thing at this time.

(Signed) A. G. CONOVER.

Also, came S. E. Brown, of Piqua, who being duly sworn, testified as follows:

1 Question. Have you ever sustained any relation to the Miami Hydraulic and Manufacturing Company, and if so, what?

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Answer. From the 15th of July, 1856, until the 5th day of January, 1858, I was Secretary and Attorney for the Company—had charge of their books and their legal business.

2 Ques. Were you present at the settlement between Mr. Hamlin and the Company, on the 25th of June, '56, and if so, what knowledge have you as to said settlement?

Ans. In the above capacity I was present at and assisted in said settlement. The settlement was made in Cincinnati, and was for moneys due from the Company to Mr. Hamlin which had been furnished by him to the Company in aid of the construction of the Lewistown Reservoir. Mr. Hamlin represented to the Company and to me personally that he had obtained a large amount of money—the amount I do not now recollect—for the use of the Company, by draft on his brother in New York, which would mature on the Saturday following, and that unless the Company would put him in possession of funds or securities to enable him to raise funds necessary to meet said draft at maturity, his and his brother's credit would be impaired. The Company was unable to pay the money, and he then proposed to take the notes of the individual members of the Company, payable to the Company and indorsed by the Company in blank, secured by pledge of stock to four times the amount of said notes as collateral, on which he said he could realize the money required. This arrangement was then made and Hamlin took the notes, secured as I have heretofore stated, in satisfaction of the indebtedness of the Company to him. The notes were so drawn that in the event they were not paid at maturity, then the stock taken as collateral should be taken by him or his assigns in full satisfaction for his said notes. I was the confidential attorney and adviser of the Company from its formation until January 1858, and as such never knew that the Company had ever borrowed any money from the Treasurer of the State of Ohio, either directly or indirectly. I was present at all or nearly all of their meetings, and during their confidential conferences was never excluded.

3 Ques. Did you not know that the Company had executed its two notes for $6,000—each payable to the order of Hamlin, Young and Cooper, to enable them to raise money for the benefit of the Company?

Ans. Yes. I drew those notes and signed them, as Secretary of the Company.

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4 Ques. Did not the payees of these notes or some one of them ever report to the Company that they had negotiated the notes, and to whom?

Ans. They did report that they had negotiated the notes and raised the money thereon, which was paid to the Company; but they never to my knowledge reported from whom the money was received.

5 Ques. What entry of the transaction was made upon the books of the Company?

Ans. None, until the settlement with Hamlin, in June, '57, when the items constituting the settlement were entered, but the name of Mr. Gibson does not appear therein, nor was Gibson's name mentioned at the time the settlement was made.

6 Ques. When did you first learn that this loan was obtained from Gibson?

Ans. Not till this summer.

7 Ques. Were Cooper, Young and Hamlin appointed as a financial committee for the Company, with power to raise funds and bind the Company therefor?

Ans. They were.

(Signed) S. E. BROWN.

Also, Samuel Gordon, of Piqua, being duly sworn, testified as follows:

1 Question. Are you an officer of the Miami Hydraulic and Manufacturing Company, and if so, what?

Answer. I am Secretary of the Company; was appointed as such on the 5th day of January, 1858.

2 Ques. Please state the names of all who have been stockholders of the Company, from its organization, and those who are still such.

Ans. I cannot do so now, but I will examine the books of the Company, and prepare a statement embodying the information you desire, and make it part of my deposition. [See APPENDIX VI.]

(Signed) SAMUEL GORDON.

Also, Richard Page, of Columbus, who, being duly sworn, testified as follows:

1 Question. What is your occupation?

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Answer. I am a Civil Engineer. Have had more than thirty years experience in my profession—upwards of twenty of which have been spent in the United States, in the construction of canals, railroads, and gas-works. Have been fifteen years in this State.

2 Ques. Have you examined the work done in constructing the Enlargement of the Lewistown Reservoir—and if so, at whose instance?

Ans. I have examined the work above named; was appointed to the same by the Commission of the Attorney-General, Auditor and Secretary of State, dated June 22, 1858—in whose company I visited the Reservoir on the 23d June. I spent three days on the work and in the neighborhood at that time, and again three other days from the 20th of July. I consider mine to have been a very thorough examination.

3 Ques. What, as the result of that examination, is your opinion of the manner in which the work has been constructed, and its fitness for its intended purpose?

Ans. I consider the work to have been well done, and to be adapted to the purposes for which it is intended. The particular result of my examination of it, and also of an examination of the books and accounts of the Miami Hydraulic and Manufacturing Company, by whom it was constructed, is set forth in my report thereon made to the Attorney-General and the Auditor and Secretary of State—which I hereby make a part of my deposition.

(Signed) RICHARD PAGE,
Civil Engineer.

Also, E. S. Hamlin, of Hamilton county, being duly sworn, testified as follows:

1 Question. Were you a stockholder in and officer of the Miami Hydraulic and Manufacturing Company?

Answer. I was a stockholder, have always been a Director, and was Treasurer for about three months in the fall of 1857.

2 Ques. How was the money raised by the Company for the cost of constructing the Reservoir?

Ans. Part was raised by assessments on the stock, and a part by loans.

3 Ques. By what officers or members of the Company were these loans made?

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Ans. The largest amount was made by a committee consisting of Joseph Cooper, Joseph G. Young and myself.

4 Question. Of what persons or corporations did this Company make loans?

Ans. Of William H. Gibson. The amount was about $22,000 or $23,000.

5 Ques. When was this sum borrowed of Mr. Gibson?

Ans. The loan was made for the purpose of paying for the work as it progressed on the Reservoir, in the winter and spring of 1856-'7, and the money was furnished as needed, from time to time—the first advance being made about the fifteenth of December, 1856.

6 Ques. Where were the negotiations for this money made?

Ans. In Columbus.

7 Ques. What official position did Mr. Gibson at that time occupy?

Ans. He was Treasurer of State.

8 Ques. Was this loan made for and on behalf of, and in the name of, the Miami Hydraulic and Manufacturing Company?

Ans. Yes.

9 Ques. Was the money actually paid over to the Company, and applied to the construction of the Reservoir?

Ans. Yes.

10 Ques. What evidences of indebtedness, if any, were executed to Mr Gibson, as representing the sum loaned by him to the Company?

Ans. The first advance was $12,000, for which there was delivered to Mr. Gibson the note of the Company payable to the order of Jos. G. Young, Jos. Cooper, and myself, and indorsed by us. Afterwards the Company executed their note to me for $40,000, and assigned to me the water leases transferred to the Company by the Board, for the purpose of securing the payment of any money loaned for the benefit of the Reservoir. I then executed to Mr. Gibson my drafts on New York, in the place of the $12,000 note, and also for the balance of the money loaned—being about ten or eleven thousand dollars.

11 Ques Upon whom were these drafts drawn, to whom were they payable, what length of time did they run, and how many were there?

Ans. They were drawn on F. V. Hamlin, payable to the order of Wm. H. Gibson; there were two of them, and they were payable at sight.

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12 Ques. Have these drafts been paid, and if so, when, how, and to whom?

Ans. They have. They were paid in December, '57, to Charles L. Johnson, of Tiffin, to whom they had been transferred. They were paid in the stock of the Hydraulic Company, and in my paper. In the absence of my papers I am unable to state particularly the amount of each, but I think I paid $46,000 in stock, and gave my notes for $5,000. The full explanation of the matter is as follows: I held the $40,000 note of the Company, secured by the leases aforesaid, in trust, for the purpose of securing the payment of money borrowed by the Company up to some time in June, 1857. At that time I had collected about $5,000 on the leases, and the Company made an assessment for the purpose of raising money to pay the balance borrowed by the Committee. For this assessment notes of the individual stockholders were given, payable in thirty days, and paid up stock issued to them for the amount. The notes were made conditional, and if not paid at maturity the stock was to be received in payment. I had agreed to take these notes, or enough of them to make up the balance of the said borrowed money, and procure a discharge of the Company from its obligations to pay the same. I took the notes thus secured, and the stock from the Company, and delivered up the $40,000 notes, and re-assigned the leases to the Company—after which I settled with Johnson as above stated, the stock I let him have being the same above mentioned.

13 Ques. When was the original $12,000 note surrendered to you or to the Company, and by whom?

Ans. I took it up at the time of my settlement with Johnson in December, and delivered it to the Company.

14 Ques. In this transaction with Mr. Johnson, was he acting as cashier of the Seneca County Bank, or for himself, or as agent for Wm. H. Gibson?

Ans. I cannot say. He said the papers belonged to him—whether he meant as cashier, or not, I cannot tell.

15 Ques. Did he state to you how he had acquired them?

Ans. No; I have no recollection that he did.

16 Ques. Was the money borrowed from Mr. Gibson had from him as Treasurer of State?

Ans. It was not. On the contrary, Mr. Gibson stated to me at the

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time that he had $28,000 of his own money. The first $12,000 was mostly Seneca County money, and he was very particular to request us to give it a circulation where it would not be soon returned. I believed at the time it was money obtained from the Seneca County Bank. My drafts on New York were made payable to Mr. Gibson, personally, I think.

17 Ques. Did you learn prior to your settlement with Johnson, either from Gibson or any other person, that the money lent by him to the Company was the money of the State?

Ans. I did not. On the contrary, after the defalcation became public and Mr. Gibson had left the office of Treasurer I had a conversation with him on the subject, and he then assured me that the money was his own, and was never the money of the State.

18 Ques. Did Mr. Gibson ever advise you that he had hypothecated any of the notes or drafts executed to him for the repayment of the loan?

Ans. Some time in the fall of 1857, having heard that my notes and drafts were hypothecated in New York, I asked Mr. Gibson about it. He stated that they were in the hands of Mr. Ludlow, cashier of the Ohio Life Insurance and Trust Company. I have no recollection that he stated to me for what reason, but he stated to me that measures were in progress to get them out of their hands. The next I heard of them they were presented by Mr. Johnson.

19 Ques. In whose name does the stock delivered by you to Mr. Johnson now stand on the books of the Company?

Ans. The stock was transferred to me by the indorsement in blank of the person to whom it was issued, and I delivered to Mr. Johnson without any further indorsement. I don't know whether there has ever been any transfer on the books of the Company or not.

(Signed) E. S. HAMLIN.

Also, William H. Gibson, of Tiffin, who, being duly sworn, testified as follows:

1 Ques. What official position did you occupy in the year 1856 and the fore part of 1857?

Ans. I was Treasuser of State.

2 Ques. While occupying that position did you make any loan to the

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Miami Hydraulic and Manufacturing Company, or to any of its officers or agents, or any other person on its behalf?

Ans. I did.

3 Ques. When was this loan made, by whom on behalf of the Company was it negotiated, and what was the amount thereof?

Ans. The loan was for $12,000—negotiated in December 1856, by E. S. Hamlin on behalf of the Company, and secured by the obligations of the Company at ninety days, indorsed by J. G. Young, E. S. Hamlin, and Jos. Cooper—the indorsers being the payees named in the body of the notes. There were two notes of $6,000 each. Some time in the winter following I gave Mr. Hamlin $12,000 upon his individual sight draft upon F. V. Hamlin, New York City. This Mr. Hamlin represented as being for the use of said Company.

4. Ques. Where were the negotiations for these two loans made?

Ans. In Columbus.

5 Ques. At what place in Columbus?

Ans. My impression is, at the American Hotel.

6 Ques. In what form were the funds handed over to Hamlin, in each instance?

Ans. I am unable to state, from present recollection.

7 Ques. Do you not remember whether it was in coin, currency, or by check upon some bank?

Ans. I know it was not in coin, but I cannot state what it was in.

8 Ques. If in currency or certificates of deposit, was the currency or certificates taken from the State Treasury, or did they belong to the State, or if by check, was it by check drawn by you as Treasurer?

Ans. They did not belong to the State, except to the amount of about $3,400, and to that amount and no more were the funds in the Treasury belonging to the State reduced. If any checks were given by me I presume they were drawn by me officially, as I had no individual account with banks where I would have probably drawn on this account.

9 Ques. Excepting the $3,400 above mentioned, did any portion of the funds paid over to Hamlin come out of the State Treasury, directly or indirectly?

Ans. They did not.

10 Ques. If the whole sum was paid by your check, was it not all paid out of funds belonging to the State?

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Ans. The whole sum was not paid by check or checks, but had it been so paid it would not have been from funds belonging to the State, or in which the State had any interest whatever.

11 Ques. If the whole was not paid by check, what proportion of it was so paid?

Ans. I am unable to state.

12 Ques. Was not more than $3,000 so paid?

Ans. It is possible.

13 Ques. You have already stated that you kept no other banking account save as Treasurer of State, and is it not therefore true that whatever sum was paid to Hamlin by your check was upon your check as Treasurer of State, and out of funds standing to your credit in that capacity?

Ans. It is; but if my official account with any depositary of public moneys was thereby diminished the Treasury was reimbursed, at the time, by cash from my own private funds, the same as if I had given any individual a check in exchange for currency: My account would be reduced by the check drawn against it, but the funds of the State would remain unreduced.

14 Ques. Of the portion paid to Hamlin in currency, was not the identical currency which was handed to Hamlin taken from the State Treasury?

Ans. I presume not. I kept my own private funds and papers in the Treasury vault, in a private box, and was careful at all times to keep my private and official funds and transactions distinct.

15 Ques. Had you at the time of these two respective loans so large an amount as $12,000 in currency of your individual funds in the "private box" to which you refer?

Ans. I have no doubt I had—and a much larger amount.

16 Ques. At what rate of interest were these loans made?

Ans. At twelve per cent., as appears from memoranda now in my possession, which I had not examined previous to my examination before the Investigating Commission now in session.

17 Ques. You have spoken of the funds loaned to Hamlin—excepting $3,400—as being your individual funds. Do you mean by this that they were your own private property, or that they were held by you in some representative capacity other than as Treasurer of State?

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Ans. As guardian [and as attorney] of [minor] heirs, and as administrator of certain estates, I had in my hands, of cash, April 1, 1856, $10,300, or near that sum. At the same date I had in cash belonging to other individuals $3,700—which several amounts remain unpaid. In addition to these sums I had received, between 1st January 1856, and December of the same year, $21,600 of my own individual funds, realized from collections, real estate sold, and from business operations in which I was connected with R. D. Joslin.

[At my request, the words "and as attorney" were interlined, and the word "minor" erased, January 21, 1859.

(Signed) WM. H. GIBSON.]

18 Ques. Please state the names of the heirs, and the estates, as guardian and administrator of which you had the above named sum in your hands.

Ans. John T. Fleming, Frances J. Williams, Richard R. Williams, O. W. Williams, Henry R. Williams and Mary J. Williams, are the heirs for whom I was at that time and still remain guardian. I was administrator of the estates of Elizabeth Randall and L. D. Shawhan. The individuals whose money was in my hands at the time referred to, were: —— McKittrick, of Ireland, whose attorney in fact is Tho. J. Kennon, of Pittsburgh; Anna Halsey, of Hancock county, Ohio; Fisher, Cushing & Co., of New York; Charles Meeker, of Seneca County, O.; and the creditors respectively of Anson Brown and John Baird & Co. My appointments as guardian and administrator were all made in Seneca county.

19 Ques. What was the nature of the business operations referred to as having been transacted with R. D. Joslin, and where did he then and now reside?

Ans. Mr. Joslin resided at Tiffin, but is now deceased. The transactions commenced in the Spring of 1854, and embraced the purchase and sale of town lots and interest in towns, and the purchase and sale of lumber—of all which he had exclusive control. I devoted neither time nor attention to them. I furnished the means either in cash or by my credit.

20 Ques. Was any money of the State employed in the business operations to which you have referred, with Joslin?

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Ans. Those transactions were so far closed in December 1855, previous to my connection with the Treasury, as to require neither money or credit. I therefore answer no.

21 Ques. Were the notes and the sight drafts, given to you at the time the respective loans were made, paid at maturity?

Ans. They were not.

22 Ques Were they renewed, and if so, what form did the renewal take?

Ans. They were not renewed.

23 Ques. What disposition was made by you, of the notes and draft?

Ans. They were transferred to C. L. Johnson, of Tiffin, by indorsement.

24 Ques. At what time was this transfer made?

Ans. In the fall of 1857, but the precise time I cannot state.

25 Ques. Did Johnson purchase the notes and draft from you?

Ans. Mr. Johnson made large advances to me to assist me in my embarrassments, upon my assurances to him that I held and would deliver to him the notes and draft referred to, soon as I obtained possession of the same. There has been paid to the Ohio Life Insurance and Trust Company in New York, and credited to the State, $6,400 from the advances so made by Mr. Johnson, and E. S. Hamlin paid $4,853 50 which was also so credited.

26 Ques. In whose possession were the notes and draft, at the time you made the arrangement with Johnson under which the advances were made to you?

Ans. They were in possession of E. Ludlow, Cashier of the Ohio Life Insurance and Trust Company, in the city of New York.

27 Ques. For what purpose and by whom had they been placed in the possession of Ludlow?

Ans. They were left by me for safe keeping, and not called for until after the Company had failed and these papers had been attached by its creditors, for the following reason: I was remaining in New York on business, and not expecting to leave for some days, when early in the morning I received a telegraphic despatch from Cooper K. Watson, Esq., calling on me to come to Columbus "*at once.*" Up to that moment I had no intimation that the Treasury matters were under investigation. I started here on the early morning train, before Mr. Ludlow had come to

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his office, and I was compelled to leave my papers in his hands. I did not visit New York again until after the Trust Company had failed. When I learned the situation of these papers I employed F. N. Lane as my Attorney, to recover them by legal proceedings. The question was tried before a jury, upon the testimony of Mr. Ludlow, who stated that the papers belonged to me, and that neither the Company or any other party had or claimed any interest in them or right to their possession. They were forwarded to me by express, and were then indorsed and transferred to Mr. Johnson. When in the hands of the Trust Company they were payable to my order, and unindorsed by me. I was not present at the trial, and only know of the circumstances connected with it from report.

28 Ques. Were these notes and the draft, or either of them, hypothecated with, or pledged to the Trust Company, in any way, as security for the sum which the Company had advanced to Atwood & Co. to redeem from them the Seneca County Bank bonds?

Ans. No.

29 Ques. Were they or either of them included in the securities left by you with the Life and Trust Company, or its Cashier, Ludlow, under the arrangement between yourself and the Company, for redeeming the Seneca County Bank bonds?

Ans. They were not, nor was I a party to the arrangement referred to. My explanation of the transaction is this: After I resigned the office of Treasurer of State, I went to New York, to release these Bank bonds, with the knowledge and consent of some of the State officers; and at my earnest request Mr. Wright, Auditor of State, went to New York in one or two days after I left. I there learned that a special agent had been sent by the Treasurer to look after these bonds, who had employed counsel and commenced suit. This prevented me from pursuing the policy I had intended, as it worked my discredit there, and rendered me powerless. I learned from Mr. Atwood that he had hypothecated about $50,000 with the American Exchange Bank, for funds to meet my official drafts; and he also declined to accept my proposition for the release of the bonds. I then addressed a letter to Mr. Ludlow, in which I made a proposition to him the same as made to Mr. Atwood. In that I enumerated the securities held by me, as well those belonging to the State as those belonging to myself. In that I am confident I

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included the Hamlin papers, with about $56,000 besides, that had no connection with the Treasury. It also embraced drafts of Seneca County Bank for $22,000; Kimball & Co. $10,000; W. C. Hedges & Co. $5,000—in all $37,000—which I then stated to Mr. Ludlow belonged to the State, and offered to turn them all over to him, if he would advance to Atwood enough to redeem the Bank bonds. This proposition was not accepted. In making it I expressed my true feelings at the time—which were, that I was willing to sacrifice home and all I had on earth to relieve these bonds and thus protect from loss friends interested in the bank to whom I was under great obligations. At that time I supposed I had in my hands about $47,000 belonging to the State, and so told Mr. Ludlow I think at the time I indorsed and delivered to him the drafts above mentioned as belonging to the State. The drafts so indorsed, together with the $11,263 50, realized on the Hamlin claims, amounted to $48,263 50, which is more than I ever acknowledged myself liable to pay. When Mr. Ludlow failed to accept my proposition, I never proposed to transfer to him any paper, or to pay him any money, except what I did transfer and pay as before stated. From him I learned what the arrangement was under which he advanced the money to redeem the Bank bonds. I made his office a place of resort, and kept my papers there, as I have before stated. With the Hamlin papers were $31,000 Railroad bonds which I have not yet recovered, nor have I made the attempt, for want of means to meet the necessary expenses. In justice to myself I must further state, that when I left office there were outstanding claims amounting to about $17,000, for which the State was bound, but which I assumed and have paid, to prevent that excitement which attended every thing disclosed in connection with my official transactions. I felt impelled by a sense of personal honor to do so, after the State authorities had refused to recognize or pay not only certificates of deposit but drafts drawn by me as Treasurer for means to meet current disbursements at the office. To maintain my honor and protect innocent parties, I would at any time have cheerfully sacrificed any property or rights I held. I would have done so, and in fact proposed to do so, in the case of the Bank bonds. Had it not been for the legal proceedings instituted in New York before my arrival there, I *now know* those bonds would have been returned to the Treasury without the aid of the State at that time. And I wish further to state that, as I

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am advised and believe, the official documents of the State, and the unimpeached testimony of witnesses sustained by conclusive circumstances, show that the State of Ohio is indebted to me at least $12,000, besides which I claim over $4,000 as paid for premium on Exchange.

30 Ques. Were the securities which in your last answer you have indicated as belonging to yourself, including the notes and draft received from Hamlin, ever pledged or in any way left with Ludlow or the Life and Trust Company as security, for any purpose whatever?

Ans. No. They were left *accidentally*, as before stated.

31 Ques. If the notes and drafts had never been pledged to the Ohio Life Insurance and Trust Company, how happens it that there was paid to that Company, and credited by it to the State, the sum of $11,263 50, as you have stated in your answer to question 25, and of which, in the same answer, you say $6,400 was paid from advances made to you by Mr. Johnson, under your assurance that you would give him the Hamlin notes and drafts as soon as they came into your possession?

Ans. I did not say in any previous answer, nor do I wish to be understood, that the sum of $11,263 50 therein referred to as paid to the Trust Company, was paid upon either of the Hamlin notes or his draft, which have hereinbefore been mentioned. In full explanation of my transaction with Mr. Hamlin, I desire to state: That when I resigned, in June, 1856, Mr. Hamlin owed me by drafts, in addition to the sums before named, $6,500—making his entire indebtedness $30,500, including the notes before mentioned. In July, 1857, he sent to me, in New York, $4,863 50, which was handed to the Trust Company to apply on advances made to Atwood & Co. by that Company, and credited to the State. As Mr. Hamlin paid no more, I resorted to other means to raise funds, and on the credit of my claims against him I procured $6,400, which was paid to the State as before stated. Of the whole amount owing to me by Mr. Hamlim, $9,900, and no more, was for funds belonging to the State of Ohio. Of this, $4,863 50 was repaid by Mr. Hamlin, and $6,400 through Mr. Johnson, as I have stated—making in all $11,263 50 paid to the State from this source since I resigned, and being $1,363 50 more than I was under any legal or moral obligation to pay. The additional indebtedness of $6,500 due by Mr. Hamlin to me, arose in this way: Hamlin was one of the firm of Forrer, Burt & Co., contractors for keeping in repair section 7 of the Public Works, and was

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also the agent of the firm. At his request, I advanced to Mr. Hamlin for the firm, $6,500 out of the State Treasury, in anticipation that the Legislature then in session, would appropriate the contract sum, and I would then deduct the sum advanced from the appropriation. This sum, together with the $3,400 constituting a part of the loan of $24,000, as heretofore stated, is the whole sum ever advanced to Hamlin from the funds of the State for any purpose whatever, and remaining unpaid at the time of my resignation, and this has all been repaid to the State. I did make other advances on the Forrer, Burt & Co. contract, all of which were repaid in a short time. The sum of $47,000, mentioned as constituting my entire indebtedness to the State, includes these two amounts of $6,500 and $3,400.

32 Ques. Did you ever communicate to any of the Directors or Stockholders of the Hydraulic Company, the fact that Hamlin had borrowed this money from you, or have any conversation with them on the subject?

Ans. I never did, other than with Hamlin, until after the commencement of this investigation.

33 Ques. To whom, if any one, did you apply for payment of the notes of the Hydraulic Company, given you by Hamlin, at or after the maturity of the same?

Ans. I never applied for payment to any person except Hamlin.

34 Ques. Have you at any time been a stockholder in that Company, or had any interest, directly or indirectly, in its concerns?

Ans. I have not, except as a creditor, as before stated. Up to the time when Mr. Hamlin applied for the first loan, I had no knowledge of the existence of the Company, or of any legislation in regard to the Lewistown Reservoir. Some time last winter, Mr. Hamlin gave me $1,000 stock, which I now hold. This was to meet certain expenses incurred by me in going to New York.

35 Ques. Have you any interest in the notes or draft given by Hamlin to you, as before stated, or in the proceeds thereof, or has any portion of either been paid or to be paid to you?

Ans. I have no present interest in such notes or draft. I hypothecated or sold them to Johnson, and received from him the full amount of them, as before stated.

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36 Ques. Did you ever have any other obligations of the Hydraulic Company—other than the two notes of $6,000 each, before mentioned?

Ans. I never had any other obligations, notes or papers of the Company.

37 Ques. Why did you not apply directly to the Hydraulic Company for payment of the notes when they became due, or take measures to enforce payment of them?

Ans. I had full confidence in the responsibility and integrity of Mr. Hamlin, and he was under obligation to meet the obligations, on request, after maturity. I did not proceed to collect or urge payment for the reason that I did not want the money, and the rate of interest was satisfactory. It is proper for me to state that I purposed investing my own funds and funds held by me in trust in western lands, in the summer and fall of 1856. I was prevented from so doing by the demands of official duty, as well as by my constant labor in the political contest from June till late in the fall. I then determined to do so in the spring, and therefore did not desire payment sooner. In the spring of 1857, I went to seek investments, and told Mr. Hamlin that I should want my funds if I found desirable investments. I visited Wisconsin, Iowa and Minnesota, and made but three small investments, requiring only about $3,200. I made no investment of trust funds. Soon after my return I resigned, and the result was as hereinbefore stated.

38 Ques. Were the notes of the Hydraulic Company delivered to you by Mr. Hamlin, indorsed to you, or were they indorsed in blank?

Ans. They were indorsed to me.

39 Ques. Were they indorsed to you as an individual, or as State Treasurer, or in some other capacity?

Ans. They were indorsed to me individually, and Mr. Hamlin's draft for $12,000 was made payable to my individual order.

(Signed) W. H. GIBSON.

(COPY.)

Extracts from the Deposition of Wm. H. Gibson on his examination before the Treasury Investigating Committee, furnished by them.

In September, 1856, I think, I loaned to E. S. Hamlin $12,000 @ 90 days on draft of Hydraulic Co., indorsed by J. G. Young, E. S. Hamlin and

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Jos. Cooper. Late in the winter following I let Hamlin have $12,000 more on his sight draft on F. V. Hamlin, New York. These amounts belonged to me and were of my own funds, or of funds held by me as guardian of the heirs of Richard Williams and Jacob Fleming, except about $4,000 on draft of E. S. Hamlin, which was of public money.

Some time during the winter of 1856–'7, I let Hamlin have $5,000 or $6,000 more for himself on his sight draft. The latter was also from funds of the State. I had the right to forward this draft at any time, and to withhold an amount sufficient to meet it from payments accruing to him as contractor on the Miami and Erie Canal. Soon after I resigned Mr. Hamlin sent me in New York $4,861, which I paid to the Trust Co. I obtained through Mr. Johnson the draft of Harper, Ayres, Roberts & Co., on Atwood & Co., for $3,000, and paid for it by Hamlin's paper, and $3,000 beside was paid to the Trust Co. in cash from the proceeds of Hamlin's paper also, making in all $10,861 paid to the State from the Hamlin loans. I cannot now detail all the circumstances of these transactions. The matters between Hamlin and myself were settled last December, I having previous to that left the claims with Johnson & Co., (C. L. Johnson being one of the Co.,) as collateral for advances made on my account by them. One of these advances was $10,000 to Redfield under the Railroad contract; another to Mr. Reminger for an official draft of mine for about $1,500; another for a debt of about $1,500 to the Norwalk Bank; another for a debt of $1,700 to S. Arnold. Johnson & Co. made other large advances upon collaterals named above, and others delivered by me to them. At the time Hamlin settled with Johnson & Co., he gave them two drafts on his brother in New York due Jan'y 1, 1858, amounting to $5,000, which were not paid at maturity, and the balance was secured by the pledge of stock of the Hydraulic Co.

The drafts of E. S. Hamlin on the Hydraulic Co. were never transferred by me to the Trust Co , or in its possession otherwise than this: They, with some other papers of mine, were left in a package at the office of the Trust Co. simply as a special deposit to be handed over when called for, and after the failure of the Trust Company I obtained possession of them by legal proceedings and on the testimony of Mr. Ludlow that the Trust [Co.] had no interest in them, and was not aware that any other party claimed any interest in them or right to their possession. * * * *

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I have to say in further explanation of the transactions with E. S. Hamlin before stated, that the money was paid to him in the city of Columbus, and *all* probably in the Treasurer's office. I kept all or most of my private funds, as well as notes, deeds, mortgages and private papers and correspondence, in the Treasury vault, in a small *tin box*, which was and is my own private property.

Question. Did you take that money out of that tin box?

Answer. I will state that according to my best impression I did in every instance. It might have been paid to Hamlin in part by drafts, either on the Trust Co. Cincinnati, or on J. G. Young, cashier, or upon Atwood & Co., but if so the amount was replaced from my own funds kept as I have stated.

Ques. Did you keep a regular account of the moneys of the State in the inner vault, and did you know by actual count the amount of the money therein, and how often did you make such a count of the moneys as would determine the precise amount?

Ans. I did so frequently, but how often, or the result, I cannot state, either from recollection or from any statement at my command. I attempted to keep my private funds distinct from the public funds, but found it difficult to do so, and believe I made no attempt to do so after April, 1857. I often used private funds to meet a public debt, and sometimes I may have used public funds in paying private liabilities. I never took a cent from the vault for my own salary, but always receipted for it.

If I gave Mr. Hamlin any drafts they were drawn upon public depositaries, and were paid by public money. In making an account of the money in the Treasury I never counted anything as money, except it was public money, and never included my own funds in any account of the public money.

Mr. Hamlin did not assign to me at the time of making application for his loans any reasons of a public character, and no reasons of that nature operated with me in making the loans, as I considered it a transaction of a private nature entirely. When first spoken to upon the subject, I did not even know of the existence of such a Company as he represented. The rate of interest to be paid me was six per cent. per annum.

I entered upon my memorandum of accounts the statement that the money loaned Hamlin was the money of the heirs of Richard Williams

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and Jacob Fleming, and that the drafts of Hamlin represented their interest or were their property.

(COPY.)

Extract from the Testimony of C. L. Johnson, taken Sept. 28, 1857, before C. Reemelin, Commissioner.

C. L. Johnson, upon being duly sworn, says:

Upon Gibson's resignation as Treasurer of State, he informed me from Buffalo, by letter, that $132,000 and a little upwards of the Seneca County Bank bonds were in New York, and that $100,000 of them were held by Atwood & Co.—claiming, however, that they had no right to hold them, as they held them only for a specific purpose, which had been countermanded, and which specific purpose he said was, to exchange the bonds for some of less value, which exchange was to be for the Bank, as explained in my former deposition. At the same time he requested assistance from me, desiring me to forward funds to New York, as he might be compelled to liquidate his account with Atwood. I advised him that I could return all circulating notes to the then Treasurer of State for cancellation easier than forward funds to New York. Mr. Bartlit, of the firm of Bartlit & Smith, of Columbus, came to Tiffin soon after, and while Mr. Gibson was in New York, and said that their Mr. Smith had just returned from New York, where he had seen Gibson, and that Gibson wished me to return to the Treasurer for cancellation $32,128—if I recollect right—as that amount of bonds were tied up, and that he could not immediately release them. I think I did so the next day after seeing Mr. Bartlit. By this process our circulation was again restored, so that, as we believed, every dollar was covered by bonds, except the $100,000 of bonds which were with Atwood & Co. as aforesaid, and also excepting the $34,000 circulation spoken of in my former deposition.

When I returned the $32,128 for cancellation, I had an understanding with Stone, the State Treasurer, that the certificate of burning should be my voucher, as if the notes were in my hands, and that in the settlement with the State in consequence of the misapplication of the bonds, the liability of the State should not be changed by the cancellation and burning

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aforesaid. This arrangement was made to induce the State Treasurer to receive the notes at the State Treasury as other Ohio currency.

That left the State or Mr. Gibson in debt to us the $32,128, as above, together with interest and premium. Mr. Gibson afterward said he would pay the amount, and gave me two or three notes of hand signed by E. S. Hamlin and perhaps others for a little over $20,000, and for the balance drafts and certificates from Bartlit & Smith. I wish here to correct that part of my former deposition in which I say that over $20,000 were paid me by Gibson in Bartlit & Smith's liabilities. Only a part—as I have since found by reference to the books and papers—say some $9,000 or $10,000—being applied to this object, the balance being for other advances made to Gibson.

I telegraphed, or wrote by letter, or both, to Mr. Hamlin, that I should send them forward to New York, if I did not hear from him. Hamlin came soon after to Tiffin. Hamlin wanted to see Gibson before making his settlement or payment. He then had an interview with Gibson. Gibson, after his interview with Hamlin, suggested to me to take stock in the Reservoir Company, for a portion of the claim. He referred me to Dr. Paul, of Defiance, as to the value of the stock. I saw Dr. Paul, but got but little useful information from him. I then left the claims and paper connected with it, with Gibson, to arrange with Hamlin the best way he could, under the belief that he could do so much better than I could. Mr. Gibson settled, as I understood, and gave me two drafts of $2,500—each of Hamlin's on his brother in New York, and he also informed me that he had taken stock for the remainder. The two drafts are protested for nonpayment, and are in my vault at Tiffin, as I believe. The stock Mr. Gibson has not handed over to me. He showed it to me. It was over $40,000. He took it for about 50 cents on the dollar.

Hamlin never paid anything on this claim, either to myself or Mr. Gibson, to my knowledge. He has been promising from week to week to Gibson as I am advised, to raise some money for us, but has so far failed to do so. Hamlin has received back his notes and drafts, except the $5,000 as above stated, and I have had no other transaction with him.

There has been no regular settlement between myself and Gibson in reference to the $32,128 as above, and although I took from him for said claim, the above stated securities and claims, and released him

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from legal liability, and receipted to the State to the satisfaction of the Auditor and Treasurer, yet it has always been my belief that Gibson would see me harmless in this whole transaction, and I still believe so, if it is in his power to do so.

The $5,000 went to New York, and were protested for non-acceptance. Mr. Gibson still retained the other Hamlin notes and drafts, and may have taken them to New York with him, but I am certain that Hamlin never settled for them in part or whole, except as above stated. Gibson did not, to my knowledge, or with my consent, use the Hamlin notes for any other purpose. Hamlin has been repeatedly urged by me to settle, and never claimed that he had paid any part.

I have received money from Gibson since his resignation, but I have applied it in the liquidation of other advances. I have advanced to Gibson over $3,000 to be paid to Tomb, Huss & Co., about $1,300 to John Gardiner of the Norwalk Bank, $10,000 to Redfield, which I did as the indorser of the paper, while he was Treasurer of State. Gibson had also drawn on me for various sums and at various times, amounting to a large sum in the aggregate—My advances to him in addition to the sums stated amounting to not to exceed $10,000 at any one time.

I did not make any payment to the Trust Company for Gibson directly. He may have paid our drafts to that Company, I think I heard him say that he used a draft for $5,000 he got from us, of which Hedges & Co. were drawers; also a draft of $3,000 he got of us, drawn by Harper, Ayers, Roberts & Co. The $5,000 draft was not paid, as I am informed. The Hamlin claim I got as part payment of the $32,128, claim for missing bonds, and there has been no payment on the Hamlin claim, except as stated.

The draft of $5,000 of Hedges & Co., and the $3,000 of Harper, Ayers, Roberts & Co., had nothing to do with the $32,128 claim, nor with that against Hamlin.

* * * * * * *

Also, Joseph Cooper, of Hamilton county, who, being duly sworn, testified as follows:

1 Question. Are you a stockholder and Director of the Miami Hydraulic and Manufacturing Company, and if so, how long have you been such Director and stockholder?

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Answer. I have been a stockholder of the Company since it was organized, but have never been a Director. I own two hundred and eighty-five shares of the stock of the Company.

2 Ques. Was you one of a committee of three appointed by the Company to raise means for the construction of the Enlargement, and if so, who were the other members of the committee?

Ans. I was, together with Joseph G. Young and E. S. Hamlin, appointed a Financial Committee, in December of 1856.

3 Ques. Did the Company execute and deliver to you or to these three persons two notes of six thousand dollars each, payable to their order, for the purpose of raising money?

Ans. There was a note or notes amounting to $12,000 so executed and delivered to us.

4 Ques. Were these notes negotiated by you?

Ans. Messrs. Young, Hamlin and myself indorsed the notes, and they were delivered to Mr. Hamlin to be negotiated. I have no personal knowledge as to where he did negotiate them; but before or about the time of the delivery of the notes to him, he told me he thought he could make a permanent loan of Mr. Gibson. He said Mr. Gibson had some money in his hands belonging to minor heirs, or some Company or other, which he wished to loan, and Hamlin thought the money could be procured of him, provided Gibson had not disposed of it, and he afterwards told me that he had borrowed the money of Mr. Gibson on these notes.

5 Ques. Did you communicate to any of the officers of the Company, or to any other of the stockholders, the fact that the money had been borrowed from Gibson?

Ans. I don't think I ever said any thing about it.

6 Ques. As indorser, were you ever called upon for the payment of this sum?

Ans. No. I have never seen the notes since they were indorsed.

7 Ques. Were this Committee of which you have spoken, authorized to borrow money on behalf of the Company, on such terms as they might see proper, and bind the Company for the re-payment of the same?

Ans. We were not authorized to execute any notes on behalf of the Company, but were authorized to negotiate the note or notes for $12,000 heretofore spoken of, on such terms and to such person or persons as we

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saw proper, provided the rate of interest did not exceed twelve per cent. per annum.

8 Ques. Do you know of any other instance in which the Company, or any one on its behalf, borrowed money of Mr. Gibson?

Ans. No.

(Signed) JOS. COOPER.

Also, Alexander P. Miller, of Butler county, being duly sworn, testified as follows:

1 Question. Are you a stockholder in and officer of the Miami Hydraulic and Manufacturing Company?

Answer. I am a stockholder—have been a Director since the organization, and am now President of the Company.

2 Ques. Do you know that the Company or any of its officers or agents, ever borrowed any money on behalf of the Company from Mr. Gibson, or negotiated any of its securities to him?

Ans. I did not, until within a short period of time—during the winter and long since the notes had been given to Cooper and others, and had been paid by the Company. My understanding always was, that Mr. Hamlin had negotiated for this money with his brother, in New York, by drafts on him; and at the time of the settlement with Mr. Hamlin, he urged upon the Company the payment of this money which he had advanced, to prevent himself and his brother from being discredited in the city of New York upon the drafts he had drawn. When we settled with Mr. Hamlin, June 25th, 1857, he promised to return the two notes of six thousand dollars each, immediately, to the office of the President of the Company at Piqua, but did not do so until December following.

(Signed) ALEX. P. MILLER.

To the Honorable the Attorney General, Auditor and Secretary of State:

GENTLEMEN: Under your commission directing me to examine the work done by the Miami Hydraulic and Manufacturing Company, in the construction of the Enlargement of the Lewistown Reservoir, and ascertain its costs, I left this city on the 22d of June, for the purpose of inspecting the works. I met there the former Chief Engineer of the work and also the former President of the Company, by whom very full

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explanations were made. Field Books and estimates showing the quantities of each description of work, were exhibited. They were, however, only "copies," and not the originals. I asked to be furnished with the original notes taken on the ground before the work was commenced; but the Chief Engineer informed me that "if they were in existence,"—a fact he was not certain of—"they were such as would furnish no information that could be reliable—many changes having been made after the first location; that the notes were originally only taken in pencil, and were such as could not be understood except by the person by whom they were taken; but that the books presented contained the correct deductions from them,"—which fact he was ready to establish on his oath.

During the six days spent on the work and in the immediate neighborhood, I made careful inquiry of other parties, living in the neighborhood, who had been engaged on the work or connected with it, and became satisfied that the representations of the Chief Engineer as to that portion which could not be examined, viz: the interior of the embankment, waste weir, muck ditches, &c., &c.—were generally correct. I also with instruments, as far as practicable, compared the notes in the book furnished with the embankment; nearly two years having passed since much of the work was done, and more than a year since it was finished, during which the embankment had been exposed to the washing of rains and the wear of a roadway on its top, coupled with the difficulty of recognizing exactly the level from which the work was originally commenced in consequence of the earth washed off, the slopes having settled at the toe of the bank, I did not believe any remeasurment that would be reliable could be made, and although I found a general deficiency of height beyond what would be due to shrinkage, it was not such as in my judgment would establish the incorrectness of the book produced, without being in possession of the original field notes. I did not deem this of so much consequence as I should have done because the act of the Legislature under which the settlement for this work with the State was to be made provided another test in the examination of witnesses as to the amount paid for it.

The whole distance embraced by the work is nearly four and a half miles, and consists of an Embankment for retaining the water in the Reservoir, a Waste Weir six hundred feet in length, and an outside cut

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more than a mile in length for turning the waters of Boar Run—a stream of some size rising north-west of the Reservoir, but too low to be available to it.

To enable the better understanding of them they are presented under the following heads:

Grubbing and clearing;
Excavation and Embankment;
Waste Weir;
Sundries;
Engineer Service; and
Real Estate.

GRUBBING AND CLEARING.

Only about half a mile of the work is in cleared or partially cleared land; on the balance of the line the timber has been low chopped for the distance of about twenty feet on each side beyond the toe of the Embankment. From Station No. 36+50 to Station No. 54 no Embankment was necessary—the natural level of the ground being higher than the top water line of the Reservoir. Between these stations the timber has been low chopped sixty-six feet in width, clearly marking the boundary of the Reservoir.

From a point near the waste weir, and running northerly about a mile and a half to the Indian Lake (a small sheet of water in the old Reservoir,) a flood-way one hundred feet in width has been cleared, for the purpose of rafting timber, &c., &c.

About twenty feet in width under the centre of the Embankment was cleared of stumps and roots by grubbing. The same was also done for the outside cut through which the waters of Boar Run are carried, for which also an extra width of clearing became necessary.

The timber cut down has generally been removed or burned, and but little decaying timber remains in the immediate vicinity of the outside of the Reservoir.

EXCAVATION AND EMBANKMENT.

The Embankment being already completed before I saw the Reservoir, I was able to examine its exterior, except at one point, viz: near the centre of a considerable swamp, known in the neighborhood as the "Big Slough," where it was broken and the water running through the

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gap with much force. This will be more particularly noticed hereafter. The work appears to have been well done, and I consider it every way adequate to the purposes for which it was constructed.

The whole length of the line is 231 stations of each 100 feet in length. The work was advertised at public letting in September and October 1856, in five sections. Section No. 1 was awarded to D. Mahony, the balance of the work to Boyle & Roach. Contracts in the usual form were made with each of these parties, which are on file in the office of the Company. The price agreed to be paid to D. Mahony was much too low to afford any reasonable hope that it could be completed without heavy loss. That of Boyle & Roach was below any similar work let about that period in this State, but a construction afterwards put on their contract, and to cover which a single word—"drain"—was at some later period interlined in it, brought their price much nearer the average and above what was offered in other responsible bids at the time the work was contracted to them.

The average height of the embankment is about 6 9-10 feet, but nearly a mile in length in the vicinity of the Big Slough is from ten to fifteen feet in height, the width at top ten feet, with side slopes of one and three quarters to one.

The surrounding country is very flat and wet, and the roads consequently are very difficult to make and keep up. This embankment, raised several feet above it and consequently being always dry, makes an excellent road, which the farmers have taken advantage of, and for a large portion of the year it is to quite a number of them almost the only passable outlet, and consequently is a great convenience. But this practice of using the embankment for a road will ultimately, if permitted to continue, wear away the top of the embankment, and make it necessary to reduce the level of the water, or again raise the embankment.

The muck ditches were excavated ten feet in width—depth depending on the quantities of loose or porous material—all such being taken out and placed in the outer slope of the bank, the center and inner slope being made of clay, gravel and other material better adapted to withstand the action of water.

Boyle & Roach.—The amount of work done under their contract was as follows:

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190 stations grubbing and clearing at $4	$760 00
10,298 $\frac{41}{100}$ cubic yards of excavation, 20¾	2,136 92
192,019 $\frac{38}{100}$ cubic yards of embankment, 20¾	39,844 02
Extra grubbing drain ditch	200 00
Constructing culvert under road	20 00
Allowance extra by order of Directors	1,039 06
	$44,000 00

This excavation, with the exception of a few hundred yards taken from the cut to turn the waters of Boar Run, and which was not carried into embankment, was all taken out of muck ditches.

The contract with Boyle & Roach specially provided that ditches should not be measured as excavation when the earth was placed in embankment. This item then of about $2,000, is clearly a double charge, contrary to the contract. The explanation made by the Chief Engineer is: "When the work was exhibited as to be let by contract these parties applied to the President of the Company for explanations, and were told by him that excavations in muck ditches were to be measured and paid for. On this explanation the bid of Boyle & Roach was based. The contract, however, when signed by them, did not recognize this fact; but after the work was finished the Board of Directors decided that the representations of the President were binding on the Company, and ordered that the muck ditches should be measured and paid for, as was done in their final account."

The excavation from Boar Run was NOT measured when placed in embankment, although it was (or at least much of it) removed more than one hundred feet, the limit of Boyle & Roach's haul under their contract. It is difficult to reconcile this proceeding, by which material moved only a few feet was paid for twice over, while a large quantity much more difficult to remove, and carried much further, should have been excluded, and the fact that the Board of Directors (?) allowed the former when clearly excluded under the contract, was an act of liberality that class of gentlemen cannot often be charged with.

No measurements were made for dressing the side slopes of the Boar Run cut, but an allowance of $1,039 06 was made to Boyle & Roach, said to be to cover that and some other items not very clearly set forth. They also received $200 for extra grubbing on the Boar Run work, or

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about one-fourth of as much as they received for all the grubbing on the four miles of line, to which they bore a ratio of about one-twentieth. Both these items show a liberality not often encountered in dealing with corporate bodies.

The remaining item in this account to be noticed, is 2,500 cubic yards to raise the sinks in the embankment on the Big Slough. It frequently happens in such cases that the quantity of work exceeds the original notes. The embankment in such cases is pretty certain to sink until it rests on a solid base. or compresses the porous material, making it solid. The Mad River and Lake Erie Railroad Company a few years ago spent a sum equal to more than double the cost of this whole work on an embankment in their Road about twelve miles south of the Reservoir, in consequence of its continued sinking; and I am not certain that (although this has stood so well that at no time has the water risen to within four or five feet of the top of the bank, though it has been within two feet of the top of the waste weir,) a further addition may not be required on this part of the work; but at present none is required from sinking, and consequently it is not likely that the additions in the future need be large. But there is at this time a breach in this part of the work about one hundred feet in width, twelve feet in depth on the inner toe, and much deeper on the outer slope, over which the water runs with great force and through which the large body of water in the Reservoir in the lines was discharged. Some of the owners whose lands were overflowed cut the embakment down to a little below the water level for a few feet in width, the rushing of the water through this cut soon enlarged it, and *the result of their act* is the present opening in the bank. The water thus improperly discharged did great damage to the farms immediately below the Reservoir. The parties who did this unlawful act were well known in the neighborhood, though probably like many other acts under what is called Higher Law, it would not be possible to convict them before a jury. These facts were communicated by highly respectable farmers who had suffered from the overflow, as well as by the officers of the Company; but without these communications I could have arrived at no other conclusions; the adjoining bank had sunk but little; the water mark on it was more than four feet from the top. I crossed the breach on the upper toe of the bank in water about two and a half feet deep, which had been running over with great force for several weeks

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without destroying it. The cost of repairing this breach and some other slight repairs which I pointed out to the officers of the Company, I estimated at $3,000. These when done would put the Reservoir into condition to render to the canals of the State the service contemplated in its construction.

This opening in the bank at its highest point enabled me to examine its interior, and to judge of the faithfulness with which it had been constructed. This examination, coupled with the general external finish of the work, left an impression on my mind which was highly favorable to all who had been engaged on it, and I should do the contractors less than justice did I omit to add that I regard it as among the best works of the kind in our State.

No final measurements were made on the work originally contracted to D. Mahony. Within three months of the letting of the work, and before the second monthly estimate on it had been paid the contractor died. After his death it was found that considerable sums were due to workmen employed by him during his life time, amounting in the aggregate to more than would have been due at his contract prices, but less than would have been due at the prices at which the balance of the work was let to Boyle & Roach. These debts the Company paid, and placing a superintendent on the work had it finished by the day under the special directions of the Chief Engineer. The amounts so paid are specially set out in Schedule A, accompanying this report. [See APPENDIX VII.] Like work generally, done under like circumstances, its cost has been greater than the contract prices, but under the circumstances probably the best that could be done was accomplished in this case.

WASTE WEIR.

The contractors for this work were Rain & Lawder, of Piqua. Its cost, as per their final estimate, was $4,208 36, as follows:

24,716 cubic feet framed timber and ties at 14c.	$3,460 24
27,666 feet, board measure, of plank at 2c.	553 32
16,480 " counter hewing timber at 1c.	164 80
Making and hanging flood gate	25 00
Amount due for shanties	5 00
	$4,208 36

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The length of this work is six hundred feet, the height above the apron six and a half feet. It is a substantial crib work of timber, filled and backed with gravel with T cribs at each end, and a discharge or flood gate at the western end. On the outer or lower side is an apron about twelve feet wide, consisting of heavy foundation timbers, laid and filled in with gravel, on which a double thickness of plank is laid, the joints broken, and spiked to the underlying foundation timbers.

The contract prices were quite as low, when compared with others of similar character, as the work—which appears to have been well done—would warrant. The flood-gate for discharging the water designed to feed the canal is conveniently arranged, and the whole work is well adapted to the purpose for which it was constructed.

SUNDRIES.

The contract with Rain & Lawder did not include iron work, which is therefore a separate charge, as follows :

Spikes for crib work and apron, with freight	$163 99
Racks and Pinions for flood-gate	19 10
	$183 09

The remaining items charged to construction are :

For building Engineer's Offices at Reservoir	$30 00
For sundry incidental expenses not enumerated, but not a large sum on a work of this magnitude	$303 67
For services of D. Mahony, jr., taking care of and keeping up the work since its discontinuance	$277 00

As an act of justice to this man it is proper to state that the cut in the Bank at the Big Slough was made while he was absent at Piqua, where he went to acquaint the officers of the Company with the fact that several attempts had been made to cut the bank and let out the water, and to carry to them an anonymous threatening letter which he found on the bank—several other such letters having before been received. I think his absence at that time was ill-advised, but that his zeal for the Company made him forget that his absence would give the opportunity to finish what had been more than once attempted, but of which his vigilance had prevented the accomplishment.

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ENGINEER SERVICE.

The amount charged to this account is $4,851 17. It includes sevices of Chief and Assistant Engineers, Rodman, boarding the two latter, the pay of laborers employed on survey and location, some small amounts paid for transportation of Engineer Corps, one Transit Instrument (which if you cancel the contract should become the property of the State); also, stationery for the Engineer Corps, together with the sum of $489 83 paid to J. W. Erwin, a Director of the Company who acted as consulting or advisory Engineer. The number of persons employed does not appear to have been larger than usually found on such works; the rate of compensation to Assistants is about the same as is usually paid for like service, while the salary paid to Chief Engineer is below that usually paid to officers with that grade. The location and laying out of the work was made in a country very much overflowed, and it is probable that some obstacles were in consequence encountered not met with under ordinary circumstances, so that though the amount charged appears somewhat large, it should I think rather be looked for in this than in any other cause.

REAL ESTATE.

The whole quantity of land flooded in the Reservoir previous to the Enlargement was	2,969 acres.
Flooded by the Enlargement	4,138 "
Total quantity in the Reservoir	7,107 "

The whole quantity of land purchased by the Company at the Reservoir	1,137 acres.
Of which there lays ouside the embankment	$129\frac{5}{10}$ "
Inside the Reservoir, and occupied by the embankment	$1,007\frac{5}{10}$ "
Leaving still to be obtained	$3,099\frac{5}{10}$ "

The average costs of the lands purchased by this Company at the Reservoir has been $9 98 per acre.

The lands purchased and lying outside the embankment are fractions of tracts taken where the parties either refused to sell part of the tract, or demanded for it a price nearly equal to that paid for the whole, and such situated lots, if left out of the account now at pro rata rates, would

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not do this Company full justice. Their actual value should, however, be deducted (if left out) from the schedule as it now stands.

If only the lands actually occupied be taken, but one additional deed requires to be made, viz: Odin Hayes, for 8 5-10 acres for part of the north half of the west half of the north-east quarter of section No. 35, township 6 south, range 8 east.

The lands purchased of Benj. Hall and wife, the Bellefontaine and Delaware Railroad Company, Horace Brooks and wife, and Ephraim Yeek, were conveyed direct to the State by those parties; and those purchased from Shafers Hevis, and E. B. Bayley alias J. M. Dickinson, together with the fractions actually occupied, which were purchased of J. Archer, J. M. Johnson and Jacob Van Horne, were conveyed to [by] the Company to the State by deed dated December 23, 1856, and now in the office of the Board of Public Works.

The fraction purchased from J. M. Johnson not occupied by the Reservoir, is now in possession of Susannah Wolfe, who holds it in virtue of an agreement with the Company to exchange it—viz: 21 acres for 40 acres in the Reservoir, owned by the minor heirs of her late husband; the Company should not in my opinion be released from this obligation, and as it is the best land they purchased, its full value should be reserved, or bond taken to complete the contract when the heirs now minors arrive at their majority.

The detached lots of land are distributed along the line of the work, and with the exception of the Van Horne land, are all located at points easily accessible for obtaining material for replacing in the embankment from time to time the waste to which all such works are exposed from the elements and other causes, and for that purpose alone will bear a higher value to the Sate than any sum which it would be just to deduct from the real estate account of the Company, if they remain in their hands.

The Company also purchased twenty-eight acres of land and four town lots in the town of Lockington, designed as sites for manufacturing establishments, in which it was designed to use the surplus water of the Canal. It is extremely difficult to estimate what the amount of that surplus will be; but in the large increase of surface in the Reservoir as enlarged it must in ordinary seasons be throughout the whole year a very large quantity, and except perhaps for from two to three months in

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very dry seasons there must always be a large surplus at this point. The location of these lands will make the whole fall, which is seventy-six feet, available. By curving the water through them it can be returned to the Canal three times and made available for purposes of navigation on the level below, or if dropped into Larimie's Creek and returned into the Canal one mile below the locks, the fall will be increased to over one hundred feet. Whatever may be the quantity of the surplus water, there can I think be no doubt but that this is the point at which it must be used. These lands are well suited for that purpose, and if the act under which you are acting authorizes their purchase it may be good policy to do so, although they can hardly be construed to belong to the Reservoir.

ACCOUNTS OF THE COMPANY.

For the purpose of ascertaining the cost of the work I have examined the books of the Company, in their principal office at Piqua, and the annexed Schedule A, in which all their expenditures of every kind are entered and classified, is taken from them.

The same observations which I have made relative to the field books apply equally to the books exhibited as containing the accounts of the Company. No books of original entries were produced, although called for. The books which were exhibited to and examined by me were opened and the accounts carried into them by the gentleman who became Secretary of the Company in January last, the work of reconstructing the accounts having been commenced four or five weeks earlier. The material from which this was done must have been of a very loose and imperfect character, as notwithstanding much care had evidently been bestowed upon them, I found errors of classification to be quite numerous, and several entries of the same accounts in a slightly changed form were made a second time—the aggregate of which made a considerable sum. I therefore deemed it proper to take up each item separately, and carefully compared it with all others of the same class, entering none on the Schedule but such as should obviously be presented for your approval or rejection, in doing which I received valuable assistance from the Secretary of the Company, S. Gordon, Esq., and the former President, T. L. P. Defrees, Esq.

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The classification in which I have presented the accounts is as follows:

Construction—To which is added Engineer Service;

Real Estate;

Expenses—viz: Salaries of officers and Directors;
Salaries of officers not Directors;
Sundries, including law expenses.

Current Interest;

Water Rents.

CONSTRUCTON.

Amount charged to this account		$58,033 64
As follows, viz:		
Boyle & Roach	$44,000 00	
Rain & Lawder	4,208 36	
D. Mahony—his first estimate	525 00	
Paid to his representatives for work prior to his death	1,667 79	
Paid by agents of the Comp'y for work on his contract done after his death.	1,987 60	
Iron work for waste weir	183 05	
Sundries	610 67	
Engineer Service	4,851 17	

The amounts paid to Boyle & Roach, and those paid to Rain & Lawder are all sustained by vouchers; the sums still due to Boyle & Roach are shown by the estimates of the Chief Engineer.

Very few of the remaining items in this account are sustained by any vouchers; the work done on Mahony's contract, as well as the sums paid to his representatives, were generally paid by or through the Chief Engineer. No time or check rolls of men employed are in existence, nor any evidence of payment of any kind, and the items presented are taken from a mass of irregular papers, or mere memorandums, and although presented in the Schedule, I beg to call your special attention to them with a view to their establishment by such proof as shall be satisfactory to your minds.

On most of them I have had bills of particulars made, which show all I could learn in relation to them, but the explanations are still very

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meager, although many of them embrace items for which it is obvious some moneys must have been paid or would still remain due for services or for materials furnished for the Reservoir.

REAL ESTATE.

The amount charged to this account is		$15,636 98
Viz:		
For lands at the Reservoir	$10,520 00	
Lockington	4,502 08	
For expenses	614 90	

The amounts charged as expenses are for Maps, Surveys, Land Descriptions, and for lists and descriptions of all the lands contained in the Reservoir by J. B McLaughlin $510 00.

For expense of T. L. P. Defrees $104 90

Under the head of "Sundry Expenses," the item S. E. Brown, for law expenses, $736 23, was, in part, for examination of titles, and which should, in justice, if the amount could have been ascertained, have been charged to this account; but no division could be made in the account which would approximate to correctness, and I therefore carried it to the general expense account.

EXPENSES.

The whole amount charged to this account, is $8,630 04, viz:

Salaries and expenses of Directors	$4,783 79
" of officers not Directors	1,951 23
Law expenses	1,203 61
Sundries	691 41

To this account properly belongs all items of expense in construction not absolutely paid for labor and materials; and although Engineer service has been carried directly to Construction, it, as well as Current Interest, really belongs to this account; and in accordance with the rule generally adopted on our corporate Public Works, the first was charged directly as an absolutely indispensable item of expense, in which particular it differs from both this and current interest.

The sum of these accounts would be $16,183 76, or a ratio of 30 per cent. of the true Construction account, and is entirely disproportionate to it.

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It is difficult to determine what proportion of this sum, $8,630 04, was really necessary to the construction of this Reservoir, and such as would come within the meaning of the act of the Legislature, nor can any assistance be derived from the construction account of our canals which are in some respects similar works to this, because the expenses in works of that magnitude are necessarily so much smaller—consisting of but little beyond Engineer service. The works of graduation and masonry on our Railroads, or a Railroad, minus superstructure and equipments, presents the best comparison.

In making estimates for these works, it is usual to add for expenses ten per cent., which is expected to cover Engineer service and Incidental expenses, in which are included the costs of obtaining Rights of Way, purchase of Real Estate, and officers' salaries, during construction. The same ratio of allowance obtains on our Canals and on the Canals of New York, and in that State, where great care has been observed in separating the true Construction accounts from expenses, the results show that this is really more than is required, as, including the cost of superintendence of work, which is a very considerable item, the expenses amount to but little over half the ratio allowed.

I have examined a very large amount of published data, including the elaborate reports of the State Board of Engineers, presented annually to the Legislature of New York. I find that the Engineer service on Railroads, omitting, as I have before stated for this comparison, superstructure and equipments, amounts to between 5.75 and 8 per cent. An average of roads in the west gives about 6.7 per cent. The same sources give, with expenses added, an average of 10.3 per cent., in which is generally included negotiations of loans, an item of expense not contemplated in any contract between this Company and the State. In two instances in the west this ratio is between 13 and 14 per cent.

I know no other means of fixing on an equitable allowance for expenses in this case, except by assuming a ratio on the cost of construction, and I think it must be obvious to every candid examiner, that, taking the highest ratio given above, or 8 per cent. for Engineer service and 6 per cent. for expenses other than engineering, will be a very liberal one. Were the work a larger one than it is, this would be too high. It can not, I think, be claimed by any person of unbiased judgment, that a

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President at a salary of $1,000 per annum, a Secretary at a salary of $800 per annum, and a Treasurer at $——, with salaries to Directors averaging about $200 each, and to the President and Secretary in addition, sums equal to more than half their salaries as expenses, were necessary to the construction of this Reservoir, however necessary such an organization might have been to a Manufacturing Company, which the name and style assumed show was contemplated by them, but which obviously does not in any way come within the intention contemplated in this settlement.

A reply to your question, "How does the cost of this work compare with that of other similar work in this State?" may be answered here.

I have before stated that the contract with Rain & Lawder was a favorable one, and did justice to both parties.

The finishing of Mahony's work by the Company, in my judgment made the cost fully equal to other similar work.

Boyle & Roach's prices were lower than have been paid for any similar work within my knowledge, and if there was no error in measurement the balance would, on a fair estimate, be in favor of this work; but in such an estimate the clear wrong of paying for excavation of muck ditches would be excluded, as would also the allowance unexplained of $1,039 06, which would produce the following result:

192,019 $\frac{39}{100}$ cubic yds. of embankment at 25 cts. per yd.		$48,004 84
Amount paid Boyle & Roach for their work	$2,136 92	
	39,844 42	
	1,039 06	43,020 00
Difference in favor of work as executed		$4,984 84

CURRENT INTEREST.

The amount charged is		$2,702 55
Interest and premiums on borrowed money	$2,631 38	
" on Rain & Lawder's acc't not included in that acc't	52 07	
" on Storer Smith's account	19 10	

All moneys paid on account of this work bear interest from their date of payment at the rate of six per cent. per annum. This interest has been calculated and carried to the account as presented in Schedule A. The moneys borrowed as above were paid out on account of work done, or for real estate, which in the schedule stands in the same condition,

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therefore the Company have already received credit for that portion of the above which relates to interest on borrowed money, and it should therefore be stricken from this account.

The other items are I think proper charges. If those accounts had been paid when due the interest charged in them would have been charged in the body of the schedule to those accounts, and they would have been increased there by a like amount.

WATER RENTS.

The consideration which J. G. Haley and his associates were to receive for their expenditures on this work, and which was by them transferred to the Miami Hydraulic and Manufacturing Company, was the rents accruing on all the leases for surplus water granted by the State, and the right to grant leases and collect rents for any surplus in addition which might be created by the Enlargement of the Reservoir, and passed through the Miami and Erie Canal between the Reservoir and the Ohio river.

The Acting Commissioner of the Board of Public Works, in accordance with the act of Legislature granting these rights to J. G. Haley and his associates, executed to the Miami Hydraulic and Manufacturing Company, as the assignees of Haly, two assignments: the first, bearing date October 15, 1856, transferred to them all the leases for surplus water south of Lock No. 39, amounting to the aggregate of $11,370 per annum, which were to be collected by the Company after November 1, 1856. The second assignment bears date December 24, 1856, but the right to collect rents under it did not pass to the Company until after November 1857. The annual rents under the second assignment are set down at the sum of $8,049.

The Company's books show that under the first assignment there was collected by their agents—

Due in May 1857	$4,633 81
Due in November 1857	3,883 56
And under both, due in May 1858	5,705 74
Total water rents collected	$14,223 11

Schedule B, accompanying this report shows the names of the parties by whom these payments were made, [see APPENDIX VIII,] and Schedule

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C contains a list of all the leases transferred, the power rented, and the annual rent. [See APPENDIX IX.]

The great discrepancy between the amount due for water rents and the amount collected has been accounted for in the evidence before you of T. L. P. Defrees.

These sums, with interest from the time of collection, are a credit in favor of the State, and have been so treated, as per recapitulation to Schedule A, and if all the items of account are allowed, leaves balance as due to the Miami Hydraulic and Manufacturing Company, amounting to the sum of $76,370 68.

Respectfully submitted,

(Signed) RICHARD PAGE,

Civil Engineer.

I, JAMES M. COMLY, a Notary Public within and for the county of Franklin, State of Ohio, do hereby certify, that the within and foregoing persons, to wit:

T. L. P. Defrees, of Piqua;
S. R. Lawder, of Piqua;
John Boyle, of Cincinnati;
Patrick E. Roach, of Lancaster;
William J. Jackson, of Napoleon;
E S. Hamlin, of Hamilton county;
Alexander G. Conover, of Piqua;
Richard Page, of Columbus;
Jonathan Richmond, of Butler county;
William H. Gibson, of Tiffin;
Samuel E. Brown, of Piqua;
Joseph Cooper, of Hamilton county;
Samuel Gordon, of Piqua, and
Alexander P. Miller, of Butler county,

Were each previous to their examination severally sworn by me to testify the truth, the whole truth, and nothing but the truth, touching all matters of which they might be inquired; that the deposition of each of said witnesses was reduced to writing either by me or by the witness himself, and that said depositions were all written and subscribed in my presence. Witness my hand and Notarial Seal, this second day of February, in the year of our Lord one thousand eight hundred and fifty-nine.

[L. S.] J. M. COMLY.

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APPENDIX I.

A—No. 1.

LEWISTOWN RESERVOIR ENLARGEMENT.

Article of agreement made and entered into this first day of October in the year one thousand eight hundred and fifty-six, between the Miami Hydraulic and Manufacturing Company of the one part and John Boyle and Patrick Roach of the other part, witnesseth that said Roach & Boyle, contractors, hereby promise and agree to execute, in a thorough and workmanlike manner, agreeably to the directions of the Engineer of the Miami Hydraulic and Manufacturing Company, all the grubbing, chopping, clearing, mucking, embankment, and all other work necessary to complete, finish and put in readiness for the water, all that part of the Enlargement of the Lewistown Reservoir, commencing near the northwesterly end of the present embankment, and running thence westwardly to Black Hawk Creek, or such other point as the Engineer of said Company shall direct, conformably to the following specifications, and to such notes, levels and surveys as shall be furnished from time to time by said Engineer.

SPECIFICATIONS.

1st. Grubbing will be required under the entire length of the Embankment for a space of at least ten feet in width, which ten feet in width shall correspond with and be immediately under the centre of the Embankment, and from such space (above described) all trees, roots, stumps, saplings, bushes, and wood of every description shall be thoroughly grubbed up and removed therefrom before any excavation or embankment shall be commenced thereon, all the balance of the line to be occupied by Embankment, and a space fifteen feet wide on each side of said Embankment shall be thoroughly *low chopped and cleared* of all

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trees, saplings, bushes, rubbish and all old logs and wood of every description, except the stumps of the low chopped timber; no part of any stump shall be left more than one foot above the average natural surface of the ground near it.

All timber and wood of every kind described above shall be burned up on the ground or removed therefrom, but no trees, saplings, brush, logs, stumps, roots or rubbish of any kind shall be filled, laid or deposited in any stream or water-course, nor upon any adjoining land, field or grounds without the consent of the owner thereof, when the same can be avoided, and all such trees as unavoidably fall into any stream or water-course or upon any adjacent field or lands, shall be removed by the contractor if so required. Grubbing and clearing shall be estimated by the lineal chain of one hundred feet each, whenever the same may be necessary, but in cleared fields no estimate will be made except a proportional allowance for the work actually required to be done.

Mucking and Ditching.—In all places where the Embankment is to be raised above the natural surface of the earth, all wood and rubbish of every kind, all loose and porous earth, all muck and vegetable matter shall be removed from a space at least ten feet wide or more if required by the Engineer having charge of the work, so that the artificial bank may rest upon and unite securely with the solid and imperishable earth underneath. Whenever in the opinion of the Engineer having charge of the work, it may be necessary a ditch should be dug lengthwise under the centre of the bank, or in such other position as he may direct, and of such breadth and depth as he may deem necessary, and such in all cases be filled with good solid imperishable earth before the bank above shall be commenced and in all cases the muck ditch shall be kept at least fifty feet in advance of the bank to be raised thereon.

Embankment.—The bank shall be at least ten feet broad on the top when finished, and whenever raised above the natural surface of the earth both the inner and outer slope thereof shall have a horizontal base of one foot and seventy-five hundredths to every foot of perpendicular height, and shall be raised to such hight as the Engineer in charge of the work shall direct.

All earth used in building embankment shall be taken from the inside of the Reservoir, (except where drain ditches are necessary,) and in no instance shall earth to form any embankment be taken from behind the

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bank except by express direction of the Engineer, and under such restrictions as such Engineer shall prescribe. All embankment shall be formed by commencing the bank at full breadth on the bottom, and continuing it at full breadth as it advances in height, keeping the sides at all times as high as the center.

No part of any embankment shall be built by throwing, rolling or casting the earth down on a slope at the end or side thereof from a height of more than two feet, and no bank shall at any time as it advances show a greater descent than two feet in any length of ten feet.

All loose and porous material, all muck and vegetable used in the construction of any bank shall be placed in the outer slope thereof only, and ten feet in breadth of all embankment from the bottom of the muck ditch to the top of the bank shall be formed of the most solid, compact, durable and water-tight earth, which the adjoining excavations will furnish, or which can be conveniently procured, and that kind of earth which will form the best and most durable road, shall be placed on and near the top of the bank.

In borrowing earth for embankment, no part of any excavation will be allowed to come within twenty feet of the inner toe stake of the adjacent embankment, and the sides of all such excavation pits next the embankment shall (when as near as twenty feet to the bank) be neatly sloped to the same slope as the sides of the embankment.

Drain Ditches.—In all cases deemed necessary by the Engineer in charge of the work for the outlet of water courses behind the embankment, the contractor will be required to take all earth necessary for the formation of the bank, out of drain ditches to be laid out for that purpose, said ditches to be of such size and depth as he may require, the bottoms to be regular inclined planes, of such descent as the nature of the country will allow, and, when finished, must be cleared of all obstructions liable to hinder the free passage of the water.

No payment, or extra allowance will be made for excavation of drain ditches unless the earth, necessarily excavated for the purpose of drainage, has to be moved more than one hundred feet in order to place the same in the embankment, in which case, the earth so excavated will be paid for at the contract price for excavation.

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No extra allowance will be made for grubbing for drain ditches, nor for grubbing in borrowing pits made for the purpose of procuring earth for embankment.

The work generally on the Enlargement of the Reservoir shall all be done in a neat, substantial, and workman-like manner, agreeably to the plans, marks, lines and levels already established, or which may hereafter, from time to time, be established by the Engineer of the Company who may have charge of the work.

All work of every description shall at all times be subject to the inspection of the Engineer, President, and Directors of the Company, or any of them, or of any other authorized agent of said Company. The contractor shall at all times be bound to conform to any alterations of the line, level, plan, manner, or style of doing the work, or any part thereof, which may, at any time previous to the completion of the job, be determined on by the Board of Directors, or the Engineer in charge of the work.

And if the contractor, or any person under him, shall at any time have performed, or be in the act of performing, any part of the work on his job, or under his contract, contrary to the rules and specifications established, or to the instructions given by the Engineer in relation to the manner of doing the work, the Engineer, or any other authorized agent of the Company, shall have full authority to order all further prosecution of such work to be stopped, which order the contractor, or any person under him, shall be bound to obey.

The contractors shall be bound to commence the work immediately and prosecute the same vigorously to completion; and they shall be bound at all times to employ a competent force to insure the completion of the work on or before the first day of February, eighteen hundred and fifty-seven, and a failure to employ such force as, in the opinion of the Engineer in charge of the work, will accomplish the above object, shall be held and considered an abandonment of this contract.

All work performed under this contract, to be estimated by the Engineer of the Company, and paid for by the Company as follows:

The grubbing and clearing to be estimated by the chain of one hundred feet in length; the earth work, by the cubic yard. The work to be paid for by orders of the President of the Miami Hydraulic and Manufacturing Company, on the Treasurer of said Company, or any other

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agent of said Company where or with whom deposits of money may from time to time be made, for the construction of this work; such payment to be made once in each thirty days, and in such amounts as the Engineer of the Company shall estimate to be due, less twenty per cent., which shall be reserved till the completion of this contract. The work under this contract, to be paid for at the following prices:

For grubbing each chain of one hundred feet in length, four dollars—($4,00). For each cubic yard of excavation, twenty and three-quarter cents—(20¾). For each cubic yard of embankment, twenty and three-quarter cents—(20¾).

In testimony whereof the parties have hereunto set their hands and seals this day and year above written.

T. L. P. DEFREES, [SEAL.]
President of the Miami Hydraulic & Manufacturing Company.
BOYLE & ROACH, [SEAL.]
By JOHN BOYLE.

I, Samuel Gordon, Secretary of said Company, do hereby certify that the above is a true copy of a contract filed in this office.

[L. S.] SAMUEL GORDON,
Secretary.

A, No. 2.

Memorandum of agreement made and entered into this thirtieth day of April, in the year eighteen hundred and fifty-seven, by and between John Boyle and Patrick E. Roach under the name of Boyle & Roach, party of the first part, and Miami Hydraulic and Manufacturing Company of the second part, witnesseth: That it is hereby mutually agreed between the parties, that this agreement be, and the same shall be taken as a modification of a former contract made between these parties, (dated on the first day of October, in the year eighteen hundred and fifty-six, for building, finishing and completing a part of the Enlargement of the Lewistown Reservoir,) so far as the provisions of this contract shall be inconsistent with the provisions of said former contract, and said Boyle & Roach hereby agree that they will finish and complete that part of the Lewiston Reservoir which is embraced in the provisions of the form-

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er contract mentioned above and in accordance with the stipulations of said former contract and to finish the same at as early a day as is practicable with due diligence in the prosecution of the same. And the Miami Hydraulic and Manufacturing Company hereby agrees that they will pay said Boyle & Roach all moneys that may be due them on said former contract with said Company up to and including the last day of April (except the twenty per cent reserved by said contract till the completion of the work, and any allowance that may be due them for extra work) in money, and for all work done after said last day of April 1857, the payments shall be in the manner following. The work to be regularly estimated once in each thirty days, deducting the twenty per cent. as per former contract until the whole shall be finished and completed at which time a final estimate shall be made including the twenty per cent. reserved and all extra work done, by said party of the first part for said party of the second part, and said party of the second part hereby agrees to give for the amount of said estimate the note of said Miami Hydraulic and Manufacturing Company properly secured to be paid on or before the fifteenth day of December, eighteen hundred and fifty-seven, with interest at the rate of six per cent. per annum on the amount of each monthly estimate from the time the same is made and on the final estimate from the completion of the work till the time of payment. In testimony whereof the parties have hereunto set their hands and seals the day and year first above written.

T. L. P. DEFREES, [SEAL]
President of the Miami Hydraulic and Manufacturing Company.
BOYLE & ROACH, [SEAL.]

The undersigned members of the above named Company hold themselves responsible for the amount of work yet to be done under the above contract.

W. J. JACKSON,
JOHN YAGER,
JOHN W. ERWIN,
J. RICHMOND,
JOHN PAUL,
By W J. JACKSON, *Agent.*
JAMES G. HALY,
By W. J. JACKSON, *Agent.*

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I, Samuel Gordon, Secretary of said Company, do hereby certify that the above is a true copy of a contract filed in this office.

SAMUEL GORDON, *Sec'y.*

B.

LEWISTOWN RESERVOIR ENLARGEMENT.

Article of agreement made and entered into this first day of October, in the year one thousand eight hundred and fifty-six, between the Miami Hydraulic and Manufacturing Company of the one part, and Lewis Rain and Samuel Lawder of the other part, witnesseth that said Rain & Lawder, contractors, hereby promise and agree to execute in a thorough and workmanlike manner, agreeably to the directions of the Engineer of the Miami Hydraulic and Manufacturing Company, all the timber and other work (except the earth work), necessary to complete, finish, and put in readiness for the water, all that part of the Enlargement of the Lewistown Reservoir contained in the Waste Weir and Waste and Feed-gate now located, to commence six hundred feet easterly from the present bulkhead of said Reservoir, and running thence easterly along the line six hundred feet, conformably to the following specifications, and to such notes, levels and surveys as shall be from time to time furnished by said Engineer.

SPECIFICATIONS.

The Waste Weir to be built in accordance with the plan made by the Engineer of the Miami Hydraulic and Manufacturing Company, and of such sized timbers as specified in the bill of timber accompanying said plan.

All timber must be of the full size mentioned in the bill, and must be of sound, durable kind, free from sap, shakes, or wanting corners, or rotten or unsound knots. The foundation timbers to be of any kind of hard wood, and all the balance of the timber to be of the best quality of white or bur oak.

The foundation to be laid at such level or elevation as the Engineer in charge of the work shall direct, and to be composed of hewn timber laid close together, horizontally, crosswise of the pit, in such manner as

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to have the smallest possible space between the sticks; and whenever the walls of the Waste Weir shall rest upon said foundation, the tops of the foundation timbers shall be evenly adzed off to a level, so that said walls may rest solid and with a close joint upon the foundation below.

Under the foundation two rows of sheet piling shall be placed near the ends of the foundation timbers, three feet below the bottom of the foundation, and running the whole length of the Waste Weir on the upper side, and the entire length of the Waste Weir and wings on the lower side; and also two rows of sheet piling corresponding with the upper face walls of Waste Weir, shall be run ten feet into the embankment behind the abutment walls of each end, to extend from top water line, as low as the bottom of the sheet piling under the foundation. Said sheet piling to be composed of sound square-edged white or bur oak plank, placed close together, and securely spiked to timbers for that purpose, at least (4×6) four by six inches square of white oak timbers, and so arranged that one piece shall be at the bottom of the sheet piling, and the other at the top of the sheet piling, and immediately under the foundation timber, so that said foundation shall rest upon the top of the piling, and also upon the solid earth between the two rows of piling.

The walls or sides of the spill way are to be composed of sound white or bur oak timber, hewn square and counterhewn, so as to make close joints, and where joints, to be halved together neatly, and pinned with at least one and a half inch white oak pins; said walls to be perpendicular, and so framed as to present a face on the outside of the crib work.

At every fifteen feet in length of the face walls cross ties are to be framed in with a dovetail tenon, one-half of the ties to be formed into the course below, and the other half to be framed into the next course above.

At the east end of the Waste Weir a timber abutment shall be built according to the plan, of timber hewn square and counterhewn, and so arranged that the walls of the Waste Weir shall interlock or be framed into it, and with a sufficient number of ties put in to make the abutment stand secure.

At the westerly end a gateway or culvert shall be so arranged as to allow the opening to be covered with a gate, which may be drawn by a rack and pinion when necessary, and so that when the gate is closed no

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leakage shall occur around said gate or opening. All parts of the work to be done in a most substantial and workmanlike manner, and in accordance with the directions of the Engineer in charge of the work, and of the plan furnished.

The planking to be of white oak plank, at least two inches thick, and in the apron and floor of gateway to be lined with one-inch plank, so as to break joints, and so arranged that the two-inch course can be put down so as to break joints at the [———] and side joints of said lining.

The upper or two-inch course to be well jointed and gauged to a width so as to make close joints.

All the work under this contract shall at all times be subject to the inspection of the Engineer, President, or Directors of the Company, or any of them, or of any other authorized agent of said Company.

The contractor shall at all times be bound to conform to any alteration of the line, level, plan, manner or style of doing the work or any part thereof, which may at any time previous to the completion of the job be determined upon by the Board of Directors, or the Engineer having charge of the work.

And if the contractor, or any person under him, shall at any time perform or be in the act of performing any part of the work on his job, or under this contract, contrary to the wills and specifications established, or to the instructions given by the Engineer in relation to the manner of doing the work, the Engineer, or any other authorized agent of the Company, shall have full authority to order all further prosecution of the work to be stopped, which order the contractor, or any person under him, shall be bound to obey.

The contractor shall be bound to commence the work immediately and prosecute the same vigorously to completion, and he shall be bound at all times to employ a competent force to insure the completion of the work on or before the first day of January, eighteen hundred and fifty-seven, and a failure to employ such force as in the opinion of the Engineer in charge of the work will accomplish the above object shall be held and considered an abandonment of this contract. All work performed under this contract to be estimated by the Engineer of the Company and paid for by the Company as follows:

Square timber by the cubic foot, and plank by the hundred feet superficial measure. The price for timber and plank to cover all cost for

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driving spikes or bolts, which may be furnished by the Company. The work to be paid for by orders of the President of the Miami Hydraulic and Manufacturing Company person of said Company,* or any other person with whom deposits of money may from time to time be made for the construction of this work, such payments to be made once in each thirty days and in such amounts as the Engineer shall estimate to be due less twenty per cent., which shall be reserved till the completion of of this contract. The work under this contract to be paid for at the following prices:

For each cubic foot of timber, to be measured in the work, fourteen cents (14 cents), for each hundred feet of plank, measured in the work, two dollars ($2.00). All spikes and iron to be furnished by the Company.

In testimony whereof the parties have hereunto set their hands and seal this day and year above written.

T. L. P. DEFREES, [SEAL.]
President of the Miami Hydraulic and Manufacturing Co.
RAIN & LAWDER, [SEAL.]

I Samuel Gordon, Secretary of said Company, do hereby certify that the above is a true copy of a contract filed in this office.

[L. S.] SAMUEL GORDON, *Secretary.*

[* This is so in copy.]

C.

LEWISTOWN RESERVOIR ENLARGEMENT.

Article of agreement made and entered into this first day of October in the year one thousand eight hundred and fifty-six, between the Miami Hydraulic and Manufacturing Company of the one part and Daniel Mahony of the other part, witnesseth that said Daniel Mahony, contractor, hereby promises and agree to execute in a thorough and workman like manner, agreeably to the directions of the Engineer of the Miami Hydraulic and Manufacturing Company, all the grubbing, chopping, clearing, mucking, excavation, embankment and all other work necessary to complete, finish and put in readiness for the water all that part of the Enlargement of the Lewistown Reservoir, commencing near the no estimate will be made except a proportionate allowance for the work actually required to be done.

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Bulkhead of the present Reservoir and running thence eastwardly as far as the Engineer of the Company shall direct, conformably to the following specifications and to such notes, levels and surveys as shall be furnished from time to time by said Engineer.

SPECIFICATIONS.

1st. Grubbing will be required under the entire length of the bank for a space of ten feet wide, which ten feet in width shall correspond with and be immediately under the center of the embankment and form such space (above described.) All trees, roots, saplings, stumps, bushes and wood of every description shall be thoroughly grubbed up and removed therefrom before any excavation or embankment shall be commenced thereon; in addition to the above grubbing last described, all that portion of the line to be occupied by the waste weir pit shall also be thoroughly grubbed and cleared of all wood, trees, brush, saplings, stumps, roots, &c., to such width as the Engineer of the Company may direct.

All the balance of the line to be occupied by embankment and a space fifteen feet wide on each side of the embankment, and also such space on each side of the waste weir pit as the Engineer shall direct shall be thoroughly low-chopped and cleared of all trees, saplings, bushes, rubbish and all old logs and wood of every description except the stumps of low chopped timber. No part of any stump shall be left more than one foot above the average natural surface of the ground near it. All timber and wood of every description above named shall be burned upon the ground or removed therefrom, but no trees, saplings, brush, logs, stumps, roots or rubbish of any kind shall be filled, laid or deposited in any stream or water course, nor upon any adjoining lands, field or grounds without the consent of the owner thereof, when the same can be avoided, and all such trees as unavoidably fall into any stream or water course, or upon any adjacent field or lands shall be removed by the contractors if so required.

Grubbing and clearing shall be estimated by the lineal chain of one hundred feet whenever the same shall be necessary, but in cleared fields,

Mucking and ditching, in all places where the embankment is to be raised above the natural surface of the ground, all wood and rubbish of every kind, all loose and porous earth, all muck and vegetable matter, shall be removed from a space at least ten feet wide, or more, if required

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by the engineer having charge of the work, so that the artificial bank may rest upon, and unite securely with the solid and imperishable earth underneath.

Whenever, in the opinion of the engineer having charge of the work, it may be necessary, a ditch shall be dug lengthwise under the centre of the bank, or in such other portion as he may direct, and of such breadth and depth as he may deem necessary, and such ditch shall in all cases be filled with good, solid, imperishable earth, before the bank above shall be commenced, and in all cases the muck ditch shall be kept at least fifty feet in advance of the bank to be raised thereon.

EMBANKMENT.—The bank shall be at least ten feet tread on top when finished, and whenever raised above the natural surface of the earth, both the inner and the outer slopes thereof shall have a horizontal base of one foot and seventy-five hundreths to every foot of perpendicular height, and shall be raised to such height as the engineer in charge of the work shall direct.

All earth used for building embankments shall be taken from the inside of the Reservoir, except when taken from the Waste Weir pits or drain ditches, and in no instance shall earth to form any embankment, be taken from behind the bank, except by express directions of the engineer, and under such restrictions as such engineer shall prescribe.

All embankments shall be formed by commencing the bank at full breadth at the bottom, and continuing it at full breadth as it advances in height, keeping the sides at all times as high as the centre.

No part of any embankment shall be built by throwing, rolling, or casting the earth down on a slope at the end or side thereof from a height of more than two feet, and no bank shall at any time, as it advances in height, show a greater descent than two feet in any length of ten feet.

All loose and porous materials, all muck and vegetable earth used in the construction of any bank, shall be placed in the outer slope thereof only, and ten feet in breadth of all embankment from the bottom of the muck ditch to the top of the embankment, shall be formed of the most durable, solid, compact, and water tight earth which the adjoining excavation will furnish, or which can be conveniently procured, and that kind of earth which will form the dryest, best, and most durable road, shall be placed on, or near the top of the bank

In borrowing earth for embankment, *no part* of any excavation will be allowed to come within twenty feet of the inner toe stake of the adjacent

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embankment, and the sides of all such excavation pits next the embankment shall (when as near as twenty feet to the bank) be neatly sloped to the same slope as the sides of the embankment.

In building the embankment on this section, all earth necessary to build said bank shall be taken from waste weir pit on said section, and no earth taken from said pit shall be wasted, or thrown into the spoil bank without leaving an ample supply to finish the bank.

Puddling around Waste Weir to be put in such places, of such material, and in such quantities as the engineer shall direct.

No extra allowance will be made for excavation of drain ditches unless the earth necessarily excavated for the purpose of draining, has to be moved more than one hundred feet in order to place the same in embankment, in which case, the earth so excavated, will be paid for at the contract price for excavation.

The earth excavated in Waste Weir pit necessarily, will be paid for as excavation, and when placed in embankment will be paid for as embankment, the same as borrowed earth.

No extra allowance will be made for grubbing for drain ditches, nor for grubbing in borrowing pits, made merely for the purpose of procuring earth for embankment.

The work generally on the Enlargement of the Reservoir shall be all done in a neat, substantial and workmanlike manner, agreeably to the plans, marks, lines and levels already established, or which may be hereafter established, from time to time, by the Engineer of the Company who may have charge of the work.

All work of every description shall, at all times, be subject to the inspection of the Engineer, President, or Directors of the Company, or any of them, or any other authorized agent of said Company.

The contractors shall, at all times, be bound to conform to any alterations of the line, level, plan, manner, style of doing the work, or any part thereof which may, at any time previous to the completion of the job, be determined upon by the Board of Directors or the Engineers having charge of the work.

And if the contractor, or any person under him, shall, at any time, have performed, or be in the act of performing any part of the work on his job or under his contract, contrary to the rules and specifications established, or the instructions given by the Engineer in relation to the

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manner of doing the work, the Engineer or any other authorized agent of the Company shall have full authority to order all further prosecution of the work to be stopped, which order the contractor or any person under him, shall be bound to obey.

The contractor shall be bound to commence the work immediately, to prosecute the same vigorously to completion, and he shall be bound, at all times, to employ a competent force to insure the completion of the work on or before the first day of February, eighteen hundred and fifty-seven; and a failure to employ such force as in the opinion of the Engineer in charge of the work will accomplish the above object, shall be held and considered an abandonment of this contract.

All work performed under this contract to be estimated by the Engineer of the Company, and paid for by the Company as follows:

The grubbing and clearing to be estimated by the chain of one hundred feet in length. The earth work by the cubic yard.

The work to be paid for by order of the President of the Miami Hydraulic and Manufacturing Company on the Treasurer of said Company, or any other agent of said Company, when or with whom deposits of money may, from time to time, be made for the construction of this work; such payments to be made once in each thirty days, and in such amounts as the Engineer of the Company shall estimate to be due, less twenty per cent., which shall be reserved till the completion of the contract.

The work under this contract to be paid for at the following prices:

For grubbing and clearing, each chain of one hundred feet in length, at the estimate of the Engineer; for each cubic yard of excavation, twelve and one half cents (12½); for each cubic yard of embankment, twelve and one half cents (12½); for each cubic yard of puddling, at the estimate of the Engineer.

In testimony whereof the parties have hereunto set their hands and seals this day and year above written.

Witness,
W. J. JACKSON.

T. L. P. DE FREES, [SEAL.]
Prest. Miami Hyd. and Man. Co.
DANIEL MAHONY, [SEAL.]

I, Samuel Gordon, Secretary of said Company, do hereby certify, that the above is a true copy of a contract on file in this office.

[L. S.] SAMUEL GORDON, *Secretary.*

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APPENDIX II.

Accounts of moneys paid, and to be paid, by the Miami Hydraulic & Manufacturing Company, taken from the books of the Company, with interest at 6 per cent. per annum, to August 20, 1858. (See Defree's dep.)

Date.			Construction.	Amount.	Interest.		Total Am't.
					Time	Amount.	
1856—Oct.	20	Boyle & Roach	Contractors for excavation and embankment	$2,170 00	1833	$238 66	$2,408 66
Dec.	19	do do	" " "	4,252 32	1669	425 82	4,678 14
1857—Feb.	4	do do	Sections Nos. 2, 3, 4, &c., &c.	4,230 48	1540	390 89	4,621 39
	24	do do	Amounts paid	3,032 64	1485	270 20	330 84
April	17	do do	" "	1,500 00	1342	120 78	1,620 78
May	31	do do	" "	2,929 92	1222	214 82	3,144 74
June	30	do do	Amount of estimate not paid	1,920 00	1139	131 21	2,051 21
July	31	do do	" " "	1,833 28	1054	115 93	1,949 21
August	31	do do	" " "	649 92	0970	37 82	687 74
Sept.	30	do do	" " "	650 08	0888	34 63	684 71
Oct.	31	do do	" " "	650 08	0803	31 32	681 40
Nov.	18	do do	Amount paid	250 00	0754	11 31	261 31
	23	do do	" "	1,457 35	0740	64 70	1,522 05
	30	do do	" "	1,976 00	0720	75 36	
Dec.	12	do do	Net proceed of note for $3,000	2,700 00	0688	111 41	2,811 41
	15	do do	Balance due on final account	13,596 18	0680	554 72	14,150 90
1858—May	18	do do	" " amount paid	201 75	0257	3 11	204 86
1856—Oct.	20	Rain & Lawder	Contractors for waste wier. Amounts paid	275 00	1833	30 24	305 24
Dec.	19	do do	" " " "	781 75	1669	78 29	860 04
1857—Jan.	18	do do	" " " "	5 00	1587	48	5 48
Feb.	4	do do	" " " "	823 89	1540	76 13	900 02
	19	do do	" " " "	380 25	1500	34 22	414 47

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1857—May	2	do	do	-----	"	"	"	"	--------	250 00	1301	19 51	269 51
	22	do	do	-----	"	"	"	"	--------	10 00	1246	75	10 75
June	3	do	do	-----	"	"	"	"	--------	40 00	1214	2 91	42 91
July	11	do	do	-----	"	"	"	"	--------	500 00	1109	33 27	533 27
Nov.	12	do	do	-----	"	"	"	"	-------	175 84	0770	8 12	183 96
Dec.	4	do	do	-----	"	"	"	"	---- ---	15 00	0710	64	15 64
	21	do	do	-----	"	"	"	"	--------	200 00	0664	7 97	207 97
1858—Jan.	8	do	do	----	Proportion of note for $828 57, due on this acc't---					751 63	0614	27 69	779 32
		D. Mahony		--------	Contractor for section No. 1—								
1856—Oct.	20	do		--------	Amount of first estimate paid him----------					525 00	1833	57 73	582 73
					Amounts paid his representatives, after his death, for work previous thereto—								
Dec.	1	do		--------	To pay workmen, by J. Richmond----------					554 30	1718	57 13	611 43
	1	do		--------	To his widow, for tools----------					40 00	1718	4 12	44 12
1857—Jan.	1	do		--------	To pay workmen, by W. J. Jackson----------					659 73	1636	64 86	724 59
Feb.	1	do		--------	" " Cadwallader----------					29 96	1548	2 78	32 74
	1	do		- ------	To his widow, balance of estimate----------					383 20	----	35 66	419 46
					Amount paid by the agents of the Company for finishing contract—								
May	22	do		--------	To pay workmen, by J. Richmond----------					1,313 72	1246	98 21	1,411 93
Oct.	5	do		-------	" Andrew Mefferd, for work with teams---------					13 00	0874	68	13 68
Nov.	12	do		--------	" pay workmen, by W. J. Jackson----------					133 82	0770	6 18	140 00
Dec.	1	do		--------	" Boyle & Roach, for work by them----------					101 66	0718	4 37	106 03
	1	do		--------	" H. D. Taylor, services as superintendent-------					271 00	----	11 67	282 67
	1	do		--------	" Boyle & Roach, H. D. Taylor's boarding------					72 15	----	3 08	75 23
	1	do		--------	" Rain & Lawder, " " ------					7 00	----	30	7 30
	31	do		--------	" pay workmen, by T. L. P. Defrees----------					75 25	0636	2 87	78 12
		Waste wier		---------	Amount paid for iron work—								
1856—Oct.	20	do		--------	Freight on nails and spikes----------					8 20	1833	90	9 10
1857—Jan.	5	do		--------	To Lewis, for spikes----------					99 25	1622	9 65	108 90
April	8	do		--------	" " " ---- --- --- ----------					56 50	1369	4 64	61 41
May	18	do		--------	" Stout & Mills, for bolts, racks and pins---------					19 10	1257	1 44	20 54
		Sundries		----------	Chargeable directly to construction—								
1856—Oct.	20	do		--------	To J. Mefferd, building offices at Res.----------					30 00	1833	3 30	33 30

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Date.			Construction.	Amount.	Interest.		Total Am't.
					Time	Amount.	
1856—Dec.	1	Sundries	To Boyle & Roach, work by them	$47 17	1718	$4 86	$52 03
	1	do	" pay hands, by W. J. Jackson	93 95	....	9 68	103 63
	19	do	" Newton Crone, cutting floodway	140 00	1669	14 02	154 02
1858—June	23	do	" J. Shannon, services and expenses	22 55	0159	22	22 77
July	31	do	" D. Mahony, jr., superintendent at Res.	277 00	0057	95	277 95
1856—July	15	Engineer service	T. L. P. Defrees, paid hands on survey	542 11	2098	68 24	610 35
	15	do do	J. W. Erwin, paid for a transit inst.	160 00	....	20 14	180 14
Aug.	7	do do	" " salary as consulting engineer	223 75	2035	27 32	251 07
Sept.	15	do do	J. Allen Smith, books and express charges	8 40	1929	97	9 37
Oct.	15	do do	W. J. Jackson, services chief engineer, to July 15	186 75	1847	20 69	207 44
	15	do do	" " 3 mos. services as chief engineer	375 00	....	41 55	416 55
	15	do do	" " to pay hands on survey	98 25	...	10 98	109 23
	20	do do	" " to office expenses at Res.	26 25	1833	2 89	29 14
	22	do do	T. L. P. Defrees, to pay hands on survey	49 20	1828	5 40	54 60
Nov.	4	do do	J. L. Morris, for boarding assistant engineers	14 75	1792	1 59	16 34
1857—Jan.	1	do do	W. J. Jackson, 2½ months services as assistant eng'r.	420 00	1636	41 23	461 23
	1	do do	J. W. Erwin, serv. and expenses as consulting eng'r	132 30	....	12 99	145 29
Feb.	4	do do	J. W. Richmond, mess acc't of assistant engineers	233 91	1540	21 61	255 52
	4	do do	J. Smith, for work with teems, &c, &c.	30 00	....	2 77	32 77
	15	do do	W. J. Jackson, 1 month services as ch. engineer	125 00	1510	11 32	136 32
	24	do do	" " office expenses at Res.	7 50	1485	67	8 17
March	27	do do	Gawey & Co, for tape lines	4 50	1400	39	4 89
April	1	do do	Rea Brothers, for stationery	39 35	1386	3 27	42 62
	1	do do	W. J. Jackson, 2 months services as ch. engineer	250 00	....	20 79	270 79
May	1	do do	" " 1 " " "	125 00	1304	9 77	134 77

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'57, July 11	do	do	....	Geo. Yager & Co., livery bill	16	50	1109	1 09	17 59
Aug. 1	do	do	....	W. J. Jackson, 3 months services as ch. engineer	375	00	1052	23 17	398 17
Oct. 5	do	do	....	" " services to date as ch. engineer	175	00	0874	9 20	184 20
5	do	do	....	" " for expenses, and to pay hands	91	35	....	4 79	96 14
Nov. 12	do	do	....	J. W. Richmond, mess acc't assistant engineers	49	40	0770	2 28	51 68
Dec. 28	do	do	....	J. Rouser, services as assistant engineer	77	75	0644	3 00	80 75
28	do	do	....	Storer Smith, " " "	460	60	....	17 79	478 39
28	do	do	....	John Shannon, services as rodman	23	50	....	91	24 41
28	do	do	....	G. D. Forsythe, " "	210	47	....	8 13	218 60
'58, Jan. 24	do	do	....	W. J. Jackson, services and expenses to Dec. 1, '57	165	70	0569	5 63	171 33
June 23	do	do	....	J. W. Erwin, services and expenses to date	133	80	0159	1 28	135 08
23	do	do	....	Rea brothers, stationery	20	08	....	20	20 28
				Total amount charged directly to construction	58,033	64		3,954 26	61,987 90

REAL ESTATE.

	Real estate.	Acres.						
'56, Sept. 1	Furman Rouse	28	Of land in T. 7, R. 6, sec. 29, Lockington	$2,502	08	1968	$295 44	$2,797 52
1	H. L Wilson	....	Lots Nos. 23 & 54, Lockington	1,000	00	....	118 08	1,118 08
15	C. Bayley	102 22/100	In sec. 36, T. 6, R. 8	900	00	1928	104 11	1,004 11
15	Joseph Archer	80	" 36, " "	800	00	....	92 54	892 54
15	Shafer's heirs	80	" 36, " "	1,000	00	....	115 68	1,115 68
15	Bel. & Del. R. R.	40	" 26, " "	80	00	....	9 25	89 25
15	Ephraim Yeck	23	" 35, " "	55	00	....	6 36	61 36
15	Odin Hayes	40	" 35, " "	325	00	....	37 59	362 59
15	Horace Brooks	70 87/100	" 36, " "	500	00	....	57 84	557 84
Oct. 22	T. L. P. Defrees	.....	Expenses	104	90	1828	11 50	116 40
Dec. 19	Jacob Van Horne	160	In sec. 26, T. 6, R. 8					
19	do do	63 64/100	" 23, " "					
19	do do	22 5/100	" 22, " "					
19	do do	15	" 22, " "	3,300	00	1669	330 46	3,630 46

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Date.	Real estate.	Acres.	Real Estate.	Amount.	Interest. Time	Interest. Amount.	Total Am't.
1856, Dec. 19	J. M Johnson ..	80	In section 27, township 6, range 8	$1,800 00	....	$180 25	$1,980 25
19	do ..	40	" " "				
1857, Feb. 5	J. B. McLaughlin		Surveys, maps and descriptions	510 00	1537	47 03	557 03
19	T. L. Ramsey ..	160	In section 26, township 6, range 8	800 00	1500	72 00	872 00
Apr. 16	C. S. Gillespie ..	.....	Lots Nos. 18 and 19, Lockington	1,000 00	1345	80 70	1,080 70
June 3	B. E. Hall	160	In section 26, township 6, range 8	960 00	1214	.....	1,029 93
		$1165\frac{23}{100}$	Total charged directly to R. C	15,636 98		1,628 76	17,265 74

ABSTRACT. Lockington—28 acres and 4 lots.

In Reservoir	$1038\frac{54}{100}$	
Outside Reservoir	$13\frac{65}{100}$	acres bought of Archer.
" "	21	" " Johnson.
" "	$32\frac{54}{100}$	" " Van Horne.
" "	$31\frac{50}{100}$	" " Hays.
Total	$1165\frac{23}{100}$	

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APPENDIX II.—Continued.

Date.			Salaries and Expenses.	Amount.	Interest.		Total Am't.
					Time	Amount.	
1856—Oct.	1	Directors	A. P. Miller, services and expen. to N. Y., Phila., &c	$137 50	1887	$15 57	$153 07
	1	do	J. W. Erwin, " " " "	155 25	....	17 58	172 83
Nov.	1	do	A. P. Miller, exp. of second journey to N. Y. and Phil.	72 00	1801	7 78	79 78
	1	do	T. L. P. Defrees, " " " "	72 80	....	7 85	80 65
Dec.	1	do	J. W. Erwin, services and part of expenses in third journey to New York	58 25	1718	6 00	64 25
	1	do	T. L. P. Defrees, for his own and part of J. W. Erwin's expenses on third journey	164 23	....	16 91	181 14
1857—Jan.	1	do	T. L. P. Defrees, Pres't, expenses to date	24 25	1636	2 38	26 63
	1	do	E. S. Hamlin, Director, services and expenses	119 60	....	11 74	131 34
	1	do	M. C. Ryan, " " "	107 00	....	10 50	117 50
	1	do	J. G. Haly, " " "	148 10	....	14 54	162 64
	1	do	A. P. Miller, " " "	107 00	....	10 50	117 50
	1	do	T. L. P. Defrees, Pres't, 6 months' salary	500 00	....	49 08	549 08
July	11	do	" " account of expenses	100 00	1109	6 65	106 65
Sept.	15	do	" " 8 months' services	666 66	929	37 10	703 71
	15	do	" " balance of expenses from Jan. 1	283 30	....	15 79	299 09
Dec.	4	do	" " salary and expenses to date	100 00	710	4 26	104 26
1858—Jan.	1	do	J. G. Haly, Director, salary and expenses	40 20	636	1 53	41 73
	3	do	T. L. P. Defrees, Pres't, salary and expenses	134 60	628	5 07	139 67
Feb.	19	do	" " " 38 days' services on acc'ts	190 00	499	5 67	195 67
May	12	do	M. C. Ryan, Director, services and expenses	105 40	275	1 72	107 12
	12	do	E. S. Hamlin, " " "	196 00	....	3 13	199 13
	12	do	A. P. Miller, " " "	61 90	....	1 02	62 92
June	23	do	" Pres't, " "	350 00	159	2 23	352 23

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Date.			Expenses.	Amount.	Interest. Time	Interest. Amount.	Total Am't.
1858—June	23	Directors	T. L. P. Defrees, Treas, and collector of water rents	$411 00	----	$3 92	$414 92
	23	do	R. H. Gilson, Director, services and expenses	124 75	----	1 19	125 94
	23	do	John Paul, " " "	354 00	----	3 38	357 38
1856—Oct.	13	Officers not Directors.	S. E. Brown, Secretary, " "	142 51	1853	15 84	158 35
1857—Jan.	1	do do	J. Yager, Treasurer, " "	150 00	1636	14 72	164 72
	17	do do	S. E. Brown, Sec'y, exp. to Colum. and Bellefontaine	32 18	1589	3 07	35 25
March	13	do do	" " " Bellefontaine	4 66	1438	40	5 06
April	18	do do	" " " Columbus	11 50	1339	92	12 42
May	25	do do	" " " "	8 89	1238	66	9 55
Oct.	5	do do	J. Yager, Treasurer, services and expenses	242 00	874	12 69	254 69
Dec.	29	do do	S. E. Brown, Sec'y, services 1 year, 2 mos., 20 days	611 12	642	23 54	634 66
1858—Jan.	1	do do	" " expen. to Cincinnati, and postage	6 31	636	24	6 55
	3	do do	S. Gordon, services and expenses opening books	271 20	628	10 22	281 42
	17	do do	J. Yager, Treasurer, services and expenses	78 20	590	2 76	80 96
May	12	do do	S. Gordon, Sec'y, services and expenses	224 73	275	3 70	228 43
June	23	do do	J. G. Young, financial agent, services and expenses	78 40	159	75	79 15
July	1	do do	S. Gordon, Sec'y, services and expenses to date	89 53	136	73	90 26
1856—July	15	Sundries	Mills & Hoadley, expenses of organization	14 20	2098	1 78	15 98
Aug.	5	do	" Company's seal, &c	20 00	2041	2 45	22 45
	25	do	Jacob Ernst, for books	36 00	1987	4 29	40 29
	30	do	" express charges	75	1973	09	84
Oct.	20	do	Upton & Co., office stove, &c	17 81	1833	1 96	19 77
	22	do	John Yager, Treasurer, for office furniture	8 31	1828	85	9 16
Dec.	8	do	John Dykeman, for coal	13 10	1699	1 34	14 44
1857—Jan.	1	do	J. W. Erwin, paid for safe	100 25	1636	9 84	110 09

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Feb.	4	do	Piqua Gas Co., fixtures and gas	17	20	1540	1	59	18	79
	9	do	J. W. Kills & Son, stationery	10	50	1527		96	11	46
	24	do	Lawton & Barnett, freight on safe	2	80	1485		25	3	05
March	1	do	J. W. King, services and expenses	18	50	1471	1	63	20	13
	13	do	R. Muchmore & Co, office furniture	10	00	1438		86	10	86
	27	do	P. B. Wilcox, attorney fees in injunction	300	00	1400	25	20	325	20
	27	do	Garvey & Co., office furniture, &c., &c	2	85			24	3	09
April	1	do	John Dykeman, for coal	7	80	1386		65	8	45
	1	do	Wm. Widner, services and expenses	10	00			83	10	83
1857—April	22	do	J. W. Kills & Co., stationery	10	00	1329		80	10	80
	29	do	J. M. Scott & Co., for carpet and for gas	34	19	1309	2	69	36	88
July	11	do	J. Root, on account of rent	25	00	1109	3	33	28	33
Oct.	5	do	Muchmore & Co., office chairs	16	75	874		88	17	63
Dec.	4	do	Piqua Gas Co	7	50	710		32	7	82
1858—Jan.	3	do	S. Gordon, Sec'y, paid for stove, &c	12	00	628		45	12	45
	8	do	Rain & Lawder, moving safe	5	00	614		19	5	19
April	1	do	H. Alexander, repairing fence	3	00	386		07	3	07
May	12	do	J. H. Hart, attorney's fees	150	00	275	2	48	152	48
	12	do	Piqua Gas Co, fixtures and gas	19	40			31	19	71
	12	do	J. Dykeman, coal	11	20			18	11	38
	12	do	Middleton, Strowbridge & Co., for map	75	00		1	24	76	24
June	23	do	J. Root, balance of account for office rent	88	33	159		84	89	17
	23	do	M. G. Mitchell, rent of office	65	00			62	65	62
	23	do	Williamson & Co., "	15	00			14	15	14
	23	do	Writer & Brading, printing	2	50			24	2	74
	23	do	C. S. Griggs, office furniture	5	05			05	5	10
	23	do	J. H. Scott & Co., " "	23	80		1	26	25	06
	23	do	S. E. Brown, attorney's fees	736	23		7	02	743	25
			Total expenses	$8,630	04		$431	25	$9,061	29

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Date.		Current Interest.	Amount.	Interest. Time	Interest. Amount.	Total Am't.
1857—Dec.	16 E. S. Hamlin	Discount on 2 notes of $6,000 each	$240 00	1677	$24 15	$264 15
1857—June	25 do	Interest on the same, to August 25, 1857	760 00	1153	52 58	812 58
	25 do	Interest on $9,400, advanced in January and Feb'y, to Aug. 25.	611 00	..	42 27	653 27
July	11 Henry Pierce	Interest on assessment of his stock, paid in advance	40 00	1109	2 66	42 66
Dec.	4 Samuel Davis	Interest on cash	6 00	0710	26	6 26
1858—Jan.	8 Rain & Lawder	Interest added to note to close their account	52 07	0614	1 92	53 99
	24 Piqua Branch Bank	Interest from Sept. 11, 1856, to date, equals 0^{372} yrs. on note for $2,200, at 6 per cent	181 10	0573	6 23	187 33
	24 Storer Smith	Interest to close his account	19 00	....	65	19 75
April	7 Piqua Branch Bank	Interest from Nov. 13, 1856, to date, equals 1^{4} yrs. on note for $2,000	168 00	0370	3 72	171 72
1857—Dec.	12	Dis. on note for $3,000, payable in N. Y., at 90 days.	300 00	0688	9 98	309 98
1858—Mar.	12	Dis. on renewal of the same for 60 days	200 00	0441	5 28	205 28
May	12	Exchange to pay the above	18 75	0274	31	19 06
Aug.	1 Piqua Branch Bank	Interest from Jan. 24 to date, equals 0^{518} yrs. on note for $2,200	68 37	0054	22	68 59
Aug.	1 do do do	Interest from April 7 to date, equals 0^{318} yrs. on note for $2,000	38 16	....	14	38 30
		Total	2,702 55		150 37	2,852 92

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RECAPITULATION.

	Amount.	Interest.	Total Am't.
Construction, including engineer service	$58,033 64	$3,954 26	$61,987 90
Real estate, including survey and map	15,636 98	1,628 76	17,265 74
Expenses	8,630 04	431 25	9,061 29
Current interest	2,702 55	150 37	2,852 92
Total	$85,003 21	$6,164 64	$91,167 85
Credit by water rents collected	14,223 11	574 06	14,797 17
Balance favor of M. H. & M. Company			$76,370 68

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APPENDIX III.

Statement relating to lands referred to in question No. 22 in the deposition of T. L. P. Defrees, and questions No. 33 and 34 in the deposition of William J. Jackson :

Lands in Reservoir 1,038 54–100 acres ; lands outside 98 69–100 acres. The whole quantity of land purchased for the Reservoir not actually covered by the Embankment is 98 69–100 acres, of which 21 acres, bought of Johnson, was exchanged with the heirs of John Wolf for 40 acres owned by them within the Reservoir. About 16 acres is embraced within the distance stated in the answer of W. J. Jackson, and the balance is absolutely required for obtaining material with which to maintain the embankment.

T. L. P. DEFREES.
W. J. JACKSON.

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APPENDIX IV.

Statement relating to accounts referred to in questions No. 9 and 16 in the deposition of W. J. Jackson. The detailed statement of all the accounts are to be found in Schedule A, of the report of R. Page, Esq. The following items as given in my answers 9 and 16 in reclassifying the accounts were changed by him without changing the gross amount. Iron work for waste weir $182 80, changed to $183 05. Other items of construction $550 50, changed to $610 67. Engineer's Services $5,341 99, changed to $4,851 17. General expenses of Company $1,950 00, changed to $1,951 23. Interest on borrowed money $2,522 62, changed to $2,702 55. The sum of $3,625 00, which I stated as the proportion of the officers' salaries, properly chargeable to construction account, is also changed. In naming that sum I assumed a ratio on the whole, but I believe the whole sum paid them properly a charge to the construction of the Reservoir, as including the expenses of obtaining real estate and other necessary expenses thereto belonging.

W. J. JACKSON.

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APPENDIX V.

[*Copy of statement of moneys paid on account of the Company, accompanying J. Richmond's deposition.*]

Bills against M. H. & M. Co;—February, March, April, [indorsed "M. H. & M. Co. store bill vs. hands at waste weir."]

C. Mahony, February	$28 80
Phillip Connell	75
Edmund Rain	20 00
Wm. Dalton	12 25
John Coleman	14 00
Pat. Kelly	9 25
John Crawford	10 50
Mike White	13 00
Pat. Ragan	12 75
James Agen	11 00
Dennis Lynch	9 50
Wm. Laha	12 50
Mike Lynch	9 00
Thos. Kerns	6 50
Malachi Donahoe	12 00
Daniel Sullivan	1 50
Bart. Dolen	1 50
John Mahony	10 89
In March	$195 49
C. Mahony	37 67
Mike White	33 21

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Pat. Ragan	$32 67
Wm. Laha	33 85
John Crawford	35 05
John Higerty	34 15
Thomas Higerty	30 10
Thomas Kerns	29 65
John Coleman	61 51
Edmund Rain	42 95
Thos. Crotly	37 20
Pat. Gulden	29 35
Dennis Lynch	36 72
Mike Lynch	21 10
Pat. Raly	28 35
Bryan Nellis	31 90
James Agen	19 40
Wm. Dalton	27 65
Pat. Brown	24 60
Mike Casey	23 35
Pat. Hogan	16 55
Dennis McMana	18 50
Thos. Kelly	16 50
Jerry Rhine	15 50
Mike Cronan	15 40
Daniel Sullivan	14 30
Pat. Sullivan	47 00
Murty Sweeny	46 17
Mike Roark	46 78
Reuben Short	1 68
Pat. Finton	1 25
John Mahony	109 88
C. Mahony	47 69
Pat. Brown	4 95
Mike White	4 95
Edmund Kain	4 95
Thomas Cratty	4 45
Thomas Kerns	3 85
Forward	$1,266 47

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FINAL SETTLEMENT.

Amount brought forward	$1,266 47
C. Mahony	2 22
Dennis Lynch	88
John Coleman	29 80
Mike Roark	1 97
Mike Cronan	68
Wm. Laha	50
	$1,302 49
J. Mahony	15 26
	$1,317 75
Deduct	4 03
	$1,313 72

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APPENDIX VI.

Stockholders of the Company from its organization to the present time.

The names of the original subscribers to the capital stock of the Miami Hydraulic and Manufacturing Company :

John W. Erwin	285	Shares.
John Paul	285	"
M. C. Ryan	285	"
T. L. P. Defrees	285	"
Joseph Cooper	285	"
James B. Steedman	285	"
E. S. Hamlin	285	"
A. P. Miller	285	"
David Heaton	285	"
W. J. Jackson	285	"
John Yager	285	"
James G. Haly	285	"
Joseph G. Young	570	"

The present owners of the stock, the amount held by each, as it appears on the books of the Company, Sept. 9th, 1858 :

John W. Erwin	285	Shares.
John Paul	142½	"
R. H. Gilson	142½	"
M. C. Ryan	470	"
John Doods	100	"
T. L. P. Defrees	427½	"
Joseph Cooper	285	"
E. S. Hamlin	570	"
Alex. P. Miller	285	"
W. J. Jackson	285	"
John Yager	285	"
James G. Haly	285	"
Henry Pierce	427½	"

(Signed) SAMUEL GORDON.

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APPENDIX VII.

Schedule A—Accounts of the Miami Hydraulic Manufacturing Company to August 1st, 1858. Presented to the Auditor and Secretary of State, and Attorney General, for examination, under the act of April 12th, 1858, "To cancel the contract for the enlargement of the Lewistown Reservoir." (See Page's Rep.)

Boyle & Roach, Contractors for Excavation and Embankment.

190 stations of grubbing and clearing, at $4	$760 00	
10,298 41-100 cubic yards excavation in muck and drain ditches, at 20 3-4c	2,136 92	
192,019 38-100 yards of embankment, at 20 3-4c	39,844 02	
Extra grubbing and clearing in ditch for turning the course of Boar Run, &c	200 00	
Putting in culvert under road	20 00	
Allowance made by order of Board of Directors for dressing sides of ditch turning the waters of Boar Run, embankment on sink at Big Slough, &c., &c	1,039 06	
		$44,000 00

Rain & Lawder, Contractors for building Waste Weir.

24,716 cubic feet of timber, and ties framed and set up in work, at 14c	$3,460 24	
27,666 feet board measure of plank in aprons, &c., &c., prepared and laid, at 2c	553 32	
Making and hanging sluice gate	25 00	
16,480 cubic feet of foundation timbers, counter hewed, at 1c	164 80	
Amount due for shanties	5 00	
		4,208 36

D. Mahony, Contractor for Earth Work.

Oct. 20, 1856. Amount paid to him his first estimate	$525 00	

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Sums paid through his representatives after his death, for work done prior thereto.

Dec. 1, 1856.	To pay workmen, by J. Richmond	$554 30	
"	To amount paid Mrs. Mahony for tools	40 00	
Jan. 1, 1857.	To pay workmen, by W. J. Jackson	659 73	
Feb. 1, 1857.	" " Cadwallader	29 96	
"	To Mrs. Mahony, balance of estimate	383 80	
			2,192 79

Sums paid by the agents of the Company for finishing Mahony's Contract.

May 22, 1857.	To pay workmen, by J. Richmond	$1,313 72	
Oct. 5, 1857.	To Andrew Mefferd for work with teams.	13 00	
Nov. 12, 1857.	To pay workmen, by W. J. Jackson	133 82	
Dec. 1, 1857.	To Boyle & Roach, for work by hands	101 66	
"	To H. D. Taylor, for services as Sup't	271 00	
"	To Boyle & Roach, for boarding H. D. Taylor	72 15	
"	To Rain & Lawder, for boarding H. D. Taylor	7 00	
Dec. 31, 1857.	To pay hands, by T. L. P. Defrees	75 25	
			1,987 60

Amount paid for Iron Work for Waste Weir.

Oct. 20, 1856.	Freight on nails, spikes, &c	$8 20	
Jan. 5, 1857.	Lewis' account for spikes	99 25	
April 8, 1857.	" "	56 50	
May 18, 1857.	Stout & Mills, for bolts, racks, pinions, &c	19 10	
			183 05

Sundry items chargeable directly to Construction, not embraced in any of the above Accounts.

Oct. 20, 1856.	Amount paid J. Mefferd, building offices at Reservoir	$30 00	
Dec. 1, 1856.	Amount paid Boyle & Roach, for work by their hands	47 17	
"	Amount paid hands, by W. J. Jackson	93 95	
Dec. 19, 1857.	" Newton Crone, cutting flood-way	140 00	
June 23, 1858.	Amount paid J. Shannon, services and expenses	22 55	
July 31, 1858.	Amount paid D. Mahony, jr., superintendence at Reservoir	277 00	
			610 67

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Engineer Service chargeable to Construction.

July 15, 1856.		Amount paid to hands on first survey, by T. L. P. Defrees	$542 11
	15, "	Amount paid J. W. Erwin for a Transit Instrument	160 00
Aug.	7, "	J. W. Erwin, salary and expenses as consulting Engineer	223 75
Sept.	15, "	J. Allen Smith, for books and express charges	8 40
Oct.	15, "	W. J. Jackson, services previous to July 15, as Chief Engineer	186 75
	15, "	W. J. Jackson, 3 months' services as Chief Engineer	375 00
	15, "	W. J. Jackson, amount paid hands on second survey	98 25
	20, "	W. T. Jackson, office expens. at Reserv.	26 25
	22, "	T. L. P. Defrees, amount paid hands on survey	49 20
Nov.	4, "	J. L. Morris, board. acct. for Ast. Engs.	14 75
Jan.	1, 1857.	W. J. Jackson, 2½ mos. services as Chief Engineer and expenses	420 00
	1, "	J. W. Erwin, serv. and exp. as con. Eng.	132 30
Feb.	4, "	J.W. Richmond, mess acct. of Asst. Engs.	233 91
	4, "	J. H. Smith, work with team, &c., &c..	30 00
	15, "	W. J. Jackson, 1 mo. serv. as Ch. Eng.	125 00
	24, "	" office exp. at Reservoir..	7 50
Mar.	27, "	Garvey & Co., for tape measures.	4 50
Apr.	1, "	Rea Brothers, for stationery	39 35
	1, "	W. J. Jackson, 2 mo. serv. as Ch. Eng.	250 00
May	1, "	" 1 " "	125 00
July	11, "	G. Yager, & Co, livery bill	16 50
Aug.	1, "	W. J. Jackson, 3 mos. serv. as Ch. Eng.	375 00
Oct.	5, "	" serv. as Ch. Eng. to date	175 00
	5, "	" cash paid hands and exps.	91 35
Nov.	12, "	J. Richmond, subsistence acct., Assistant Engineers	49 40
Dec.	28, "	J. Rouser, Asst. Eng., services	77 75
	28, "	Storer Smith " "	460 60

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Dec. 28, 1857.	John Shannon, rod-man, services	$23 50		
28, "	G. D. Forsyth, " "	210 47		
Jan. 21, 1858.	W. J. Jackson, services and expenses to Dec. 1, 1857	165 70		
23, "	J. W. Erwin, services and expenses	133 80		
23, "	Rea Brothers, stationery	20 08		
			4,851 17	
			$58,033 64	

Real Estate.

Sept. 1, 1856.	Furman Rouse, 28 acres of land, in Lockington		$2,502 08	
1, "	S. & L. Wilson, Lots No. 23 and 54, "		1,000 00	
15, "	E. Bayley, $102\frac{22}{100}$ acres in sec. No. 36		900 00	
15, "	Joseph Archer, 80 " " "		800 00	
15, "	Shafer's Heirs, 80 " " "		1,000 00	
15, "	Bel. & Del. R. R., 40 " " No. 26		80 00	
15, "	Ephraim Yeck, 23 " " 35		55 00	
15, "	Odin Hays, 40 " " 35		325 00	
15, "	Horace Brooks, $70\frac{87}{100}$ " " 36		500 00	
Oct. 22, "	T. L. P. Defrees, expenses		104 90	
Dec. 19, "	Jacob Van Horne, 160 acres in section No. 26			
	" $22\frac{1}{2}$ " " 22			
	" 15 " " 22		3,300 00	
19, "	J. M. Johnson, 80 " " 27			
	" 40 " " 27		1,800 00	
Feb. 5, 1857.	J. B. McLaughlin, surveys, maps and descriptions		510 00	
19, "	T. L. Ramsey, 160 acres in section No. 26		800 00	
Apr. 16, "	C. S. Gillespie, Lots No. 18 and 19, Lockington		1,000 00	
June 3, "	B. E. Hall, 160 acres in section No. 26		960 00	
	Total Real Estate		$15,636 98	

Salary and Expenses of Directors.

Oct. 1, 1856.	A. P. Miller, services and expenses to New York and Philadelphia	$137 50	
	J. W. Erwin, services and expenses to New York and Philadelphia	155 25	
			292 75

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Nov. 1, 1856.	A. P. Miller, expenses of second trip to New York, &c.	$72 00		
	T. L. P. Defrees, expenses of second trip to New York, &c.	72 80		
				144 80
Dec. 1, "	J. W. Erwin, services and part of expenses in third trip to New York, &c.	58 25		
1, "	T. L. P. Defrees, for his own and part of J. W. Erwin's expenses third trip to New York	164 23		
				222 48
Jan. 1, 1857.	T. L. P. Defrees, his expenses as President to date	24 25		
1, "	E. S. Hamlin, services and expenses as Director	119 60		
1, "	M. C. Ryan, services and expenses as Director	107 00		
1, "	J. G. Haly, services and expenses as Director	148 10		
1, "	T. L. P. Defrees, 6 months' salary as President	500 00		
1, "	A. P. Miller, services and expenses as Director	107 00		
				1,005 95
July 11, "	T. L. P. Defrees, acct. expenses as Pres't.	100 00		
Sept. 15, "	" 8 mo. salary as "	666 66		
15, "	" bal. of expenses from Jan. 1st to date	283 30		
Dec. 4, "	T. L. P. Defrees, salary and expenses as President to date	100 00		
				1,149 96
Jan. 1, 1858.	J. G. Haly, salary and exp. as Director	40 20		
1, "	T. L. P. Defrees, sal. and exp. as Pres't.	134 60		
Feb. 15, "	" 38 days making up acs.	190 00		
May 18, "	M. C. Ryan, services and exp. as Direct'r.	105 40		
	E. S. Hamlin, " " "	196 00		
	A. P. Miller, services and expenses as Director to January 4th	61 90		
				728 10

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June 23, 1857,	A. P. Miller, President's services and expenses	$350 00		
23, "	T. L. P. Defrees, Treasurer, and collector of water rents	411 00		
	R. H. Gilson, services and exp. as Direc'r.	124 75		
	John Paul, " " "	354 00		
				1,239 75
Oct. 13, 1856.	S. E. Brown, Sec., services and expenses	142 51		
Jan. 1, 1857.	John Yager, Treas., " "	150 00		
17, "	S. E. Brown, Sec., exps. to Columbus	15 00		
18, "	" " " Bellefontaine	17 18		
				324 69
Mar. 13, "	S. E. Brown, Sec., exps. to Bellefontaine	4 66		
Apr. 18, "	" " " Columbus	11 50		
May 25, "	" " " "	8 89		
				25 05
Oct. 5, "	J. Yager, Treasr., services and expenses	242 00		
Dec. 29, "	S. E. Brown, Secretary, services, 1 year 2 mos. 20 days	611 12		
				853 12
Jan. 1, 1858.	S. E. Brown, expenses to Cincinnati, and postage	6 31		
4, "	S. Gordon, services and expenses opening books	271 20		
Jan. 18, "	J. Yager, Treas., services and expenses	78 20		
				355 71
May 18, "	S. Gordon, Secy., services and expenses	224 73		
June 23, "	J. G. Young, Financial Agent, services and expenses	78 40		
July 1, "	S. Gordon, Secretary, services and expenses to July 1st	89 53		
				392 66
	Total			$1,951 23

Expenses.

July 15, 1856.	Mills & Hoadley, Attys., expenses of organization	$14 20	
Aug. 5, "	Co.'s seal, fur. and express charges	20 00	
25, "	Jacob Ernst, for books and stationery	36 00	
30, "	Express charges	75	
			70 95

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Oct. 20, 1856.	Upton & Co., office stove, &c.	$17 81		
Nov. 22, "	John Yager, Treasr., paid for office fur.	8 31		
Dec. 8, "	John Dykeman, paid for coal	13 10		
				39 22
Jan. 1, 1857.	J. W. Erwin, paid for safe, &c.	100 25		
Feb. 4, "	Piqua Gas Co., fixtures and gas	17 20		
				117 45
Feb. 7, 1857,	J. W. Kills & Son, stationery	10 50		
24, "	Lawton, Barnett & Co., freight on safe	2 80		
Mar. 3, "	J. W. King, services and expenses	10 50		
13, "	R. Muchmore, office furniture	10 00		
27, "	P. B. Wilcox, attorney fees in injunction	300 00		
27, "	Garvey & Co, office furniture, &c.	2 85		
				344 65
April 1, "	John Dykeman, for coal	7 80		
1, "	Wm. Widner, services and expenses	10 00		
22, "	J. W. Kills & Son, stationery	10 00		
29, "	S. E. Brown, paid for carpet and gas	34 19		
				61 99
July 11, "	J. Root, for rent of office	25 00		
Oct. 5, "	Muchmore & Co., office chairs	16 75		
Dec. 4, "	Piqua Gas Co.	7 50		
				49 25
Jan. 4, 1858,	S. Gordon, sec., paid for stove, pipe, &c.	12 00		
9, "	Rain & Lawder, moving safe	5 00		
April 1, "	H. Alexander, repairing fence	3 00		
				20 00
May 18, "	J. H. Hart, attorneys fees in injunction	150 00		
18, "	Piqua Gas Co., fixtures and gas	19 40		
16, "	J. Dykeman, for coal	11 20		
				180 60
June 2, "		75 00		
June 23, "	J. Root, bal. of acc't for office rent	88 33		
23, "	M. G. Mitchell, rent of office	65 00		
23, "	Williamson & Co., rent of office	15 00		
23, "	Writer & Brading, printing	2 50		
23, "	C. S. Griggs, office furniture	5 05		
23, "	J. M. Scott & Co., office furniture	23 80		
23, "	S. E. Brown, services as attorney R. E.	736 23		
				1,010 91
	Total			$1,895 02

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Interest on Borrowed Money.

June 25, 1857,	E. S. Hamlin, for interest paid him for cash advanced in Feb.	$210 00		
	E. S. Hamlin, for interest on two notes of $6,000 each	760 00		
	E. S. Hamlin, for interest on $9,400 cash advanced	611 00		
			$1,611 00	
July 11, "	Henry Pierce, interest on assetts of his stock paid up before due	40 00		
Dec. 4, "	Saml. Davis, interest on cash advanced	6 00		
Jan. 9, 1858,	Rain & Lawder, interest added to note to close their account	52 07		
24, "	Piqua Branch Bank, interest from Sept. 11, '56 to date 1^{372} years on note for $2,200 at 6 per cent	181 00		
24, "	Storer Smith, interest on his account	19 10	19 10	
April 7, "	Piqua Branch Bank, interest from Nov. 13, 1856, to date, 1^{4} years on note for $2,000, at 6 per cent	168 10	349 20	
Dec. 1, 1857,	Discounts on note for $3,000 payable in New York at 90 days	300 00		
Mar. 12, "	Disc. on the renewal of the same for 60 days	200 00		
May 12, "	Exchange to pay the above	18 75	518 75	
Aug. 1, "	Piqua Branch Bank, interest from Jan. 24 to date, 0^{518} year on note for $2,200	68 37		
	Piqua Branch Bank, interest from April 7 to date, 0^{318} year on note for $2,000	38 16	106 53	
	Total		$2,702 55	

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APPENDIX VIII.

Schedule B—Account of Water Rents collected by the Miami Hydraulic and Manufacturing Company in virtue of Assignment by A. G. Conover, Acting Commissioner Board of Public Works, with interest from collection to August 20, 1856. [*See Paye's Rep.*]

Date.		Of whom collected.	Amount.	Interest. Time.	Interest. Amount.	Total Amount.
1857.						
June	4	Benjamin Hay, Cincinnati	$166 66			
	4	E. Morgan, "	83 33			
	4	J. Elstner, "	253 35			
	4	C. West, "	400 00			
	4	L. Fagan, "	135 67			
	4	C. Bradbury, "	537 98			
	4	Gould & Pierce, "	505 83			
	4	N. Longworth, "	237 50			
	4	H. Palmer, Lockland	177 19			
	4	J. G. Allen, "	323 40			
	4	L. Ruffner, "	300 00			
	4	Friend & Zangerman, Lockland	288 00			
	4	Bachellor & Co., "	375 00			
	4	" "	450 00			
	4	A. Swift, Lock No. 39	400 00			
			$4,633 81	1,211	$336 69	$4,970 50
Decem.	3	Benjamin Hay, Cincinnati	$166 66			
	3	J. Elstner, "	250 00			
	3	C. West, "	400 00			
	3	L. Fagan, "	135 67			
	3	C. Bradbury, "	865 78			
	3	Gould & Pierce, "	500 00			
	3	N. Longworth, "	237 50			
	3	J. G. Allen, Lockland	337 50			
	3	Friend & Zangerman, Lockland	300 00			
	3	Bachellor & Co., "	200 00			
	3	A. Swift, Lock No. 39	490 45			
			$3883 56	0,713	$166 14	$4,049 70

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APPENDIX VIII—Concluded.

Date.	Of whom collected.	Amount.	Interest.		Total Amount.
			Time.	Amount.	
Jan. 4	Benjamin Hay, Cincinnati	$166 66			
4	E. Morgan, "	83 33			
4	J. Ellstner, "	650 00			
4	Lewis Fagan, "	135 00			
4	C. S. Bradbury, "	823 25			
4	Gould & Pierce, "	500 00			
4	Friend & Zangerman, Lockland	637 50			
4	Bachellor & Co., "	825 00			
4	P. Snyder, Lock No. 22	25 00			
4	J. H. Dryden, " 23	100 00			
4	Perry Pease, " 24 and 25	150 00			
4	Marlett & Marsh Lock No. 26	150 00			
4	D. Eath & Crall, " 28	200 00			
4	James Allison, " 32	100 00			
4	Francis Waller, " 32	55 00			
4	Samuel Dukie, " 33	150 00			
4	A. L. Charles, " 34	70 00			
4	Milton Cooper, " 38	300 00			
4	A. Swift, " 39	585 00			
		$5,705 74	0,211	$72 13	$5,777 97
	Total	14,223 11		$574 06	14,797 17

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APPENDIX IX.

Schedule C.

[The matter intended to have been included in this exhibit may be found embodied in the "Special Report of the Board of Public Works relative to the Lewistown Reservoir," Appendix to Senate Journal of 1858, page 29—to which reference is made.]

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APPENDIX X.

Certified copies of accounts of Wm. H. Gibson, as Administrator of certain estates and guardian of certain minor heirs therein named.

WM. H. GIBSON, GUARDIAN,

1855	*In account with his ward John T. Fleming,*	Dr.
April 1,	To cash balance as per account filed	$2,201 66
March 1, 1858.	To interest thereon to date received by me	407 30
Jan. 4 1856.	To note of this date as cash of L. Stern order of Jacob Fleming $471 87, and one year's interest $47 18	519 05
	Total	$3,128 01

CONTRA.

By Taxes	1855	$18 86	
"	1856	18 62	
"	1857	17 45	
By account	Jos. King	88	
"	H. Ebbert	13 75	
"	Jos. Lease	35 00	
"	W. Hobbs	5 36	
"	Jos. Lease	12 00	
"	Jos. Lease	44 00	
"	Poorman & Miller	10 00	
By Taxes	,1853, before omitted	12 50	
By cash	in small sums	4 00	
By clothing	at Volmer's	2 50	$192 92
	Balance		$2,935 09

The State of Ohio, Seneca county, ss:

W. H. Gibson makes oath that the foregoing is correct to the best of his knowledge and belief.

W. H. GIBSON.

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Sworn to before me March 1, 1858, G. J. Keen, Notary Public, Seneca co., O.

I hereby certify that the above is a true copy of the account filed by W. H. Gibson, in the office of the Probate Court, Seneca county, Ohio, on the 6th day of March, A. D., 1858.

Witness my hand and the seal of the Court, this 7th day of September, A. D. 1858.

[L. S.] T. H BAGBY,

Judge Probate Court, Seneca county, Ohio.

W. H. GIBSON, GUARDIAN,

1855	*In account with Frances J. Williams,*	Dr.
April 1.	To balance cash as per account filed	$618 15
March 1, 1858.	To interest on same to date	137 44
	Total	$755 59

CONTRA.

By Taxes for 1857		$4 14	
" 1855		5 31	
" 1856		4 42	
By cash for keeping and clothing three years		111 00	$124 87
Balance			$630 72

State of Ohio, Seneca county, ss:

W. H. Gibson above named makes oath that the above account is correct to the best of his knowledge and belief.

W. H. GIBSON.

Sworn to and subscribed before me March 1, 1858, G. J. Keen, Notary Public, Seneca county, Ohio.

I hereby certify that the above is a true copy of the account filed by W. H. Gibson, in the office of the Probate Court, Seneca county, Ohio, on the 6th day of March, A. D., 1858.

Witness my hand and the seal of the Court, this 7th day of September, A.D., 1858.

[L. S.] T. H. BAGBY,

Judge Probate Court, Seneca County, Ohio.

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WM. H. GIBSON, Guardian,

In account with Richard R. Williams, *Dr.*

1855—April 1,	To balance as per acct filed	$657 65
1858—Mar. 1,	To interest to date,	141 68
	Total	$799 33

CONTRA.

By Taxes for 1857	$5 03	
" " " 1855	5 65	
" " " 1856	5 37	
" Cash for clothing and keeping	60 00	$76,05
March 1, 1858, balance		$723 28

The State of Ohio, Seneca County, ss.

W. H. Gibson, above named, makes oath that the foregoing account, to the best of his knowledge and belief, is correct.

W. H. GIBSON.

Sworn to and subscribed before me,
March 1, 1858.

G. J. KEEN,
Not. Pub. Sen. Co.

I hereby certify that the above is a true copy of the account filed by W. H. Gibson, in the office of the Probate Court Seneca County, Ohio, on the 6th day of March, A. D. 1858.

Witness, my hand and Seal of the Court, this 7th day of Septem-
[L. S.] ber, A. D. 1858.

T. H. BAGBY,
Judge Pro. Court Sen Co., O.

W. H. Gibson, in account current with his ward, Oliver W. Williams—

Apr. 1, 1855,	To cash as per account filed	$548 04
Mar. 1, 1858,	To one-third of Sarah Randall's estate and interest	111 18
" ".	To interest on first amount to date	120 30
	Balance total	$779 52

CONTRA.

Jan. 5, 1855,	By Taxes	$4 39
Nov. 15, "	" "	4 71
Jan. 20, 1857, "	"	4 24
Dec. 13, 1855,	Ladd & Stevens	20 32

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July 9, 1855.	John Houck		$4 75	
Nov. 28, 1854.	Baldwin & Co.		38 51	
Dec. 5, 1855.	Poorman & Miller		5 50	
	Scott, Denzer & Co.		2 00	
	A. G. Oder		2 75	
Jan. 7, 1858.	By Cash		1 00	
Feb. 18, "	" "		5 00	
" "	" Trunk		3 00	
" 28, 1857.	" Cash		10 00	
Sep. 15, "	" "		20 00	
June 10, "	" "		10 00	
Aug. 25, "	" "		12 00	
" "	" " per B. W. Gibson		5 00	
Oct. 8, "	" "		2 00	
" 31, "	" "		20 00	
Nov. 2, "	" acct at Scott's		34 75	
	" Taxes for 1857		3 97	
	" sundry items of cash and clothing during 1855 and 1856		33 70	246 59
	March 1, 1858, Balance on hand			$532 93

The State of Ohio, Seneca County, ss.

W. H. Gibson appeared before me and made oath that the foregoing account is correct to the best of his knowledge and belief.

W. H. GIBSON.

Sworn to and subscribed before me, March 1, 1858.

G. J. KEEN,
Not Pub. Sen. Co.

I hereby certify that the above is a true copy of the account filed by W. H. Gibson in the office of the Probate Court, Seneca County, Ohio, on the 6th day of March, A. D. 1858.

Witness, my hand and the Seal of the Court, this 7th day of September, A. D. 1858.

[L. S.]

T. H. BAGBY,
Judge Pro. Court Sen. Co., O.

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W. H. Gibson, Guardian, in account with his ward, Henry R. Williams:

To cash balance, April 7th, 1855, as per account filed		$562 94
To interest thereon, March 1, 1858		134 80
To one third of Sarah Randall's Estate and interest, March 1, 1858		111 18
Total		$808 92

Contra.

By Taxes, 1855	$4 83	
" 1856	5 26	
" 1857	4 92	
Account of Baldwin & Co.	4 69	
" H. Hobbs	9 11	
Jan. 7, 1857, cash for his grandfather	20 00	
Dec. 10, " " clothing, &c.	20 00	
Jan. 30, 1858, cash to H. Barnhart	13 00	
Feb. 1, " " ward himself	3 00	
		84 81
Balance		$724 11

The State of Ohio, Seneca County, ss.

W. H. Gibson, above named, this day appeared before me, and made oath, that to the best of his knowledge the above account is correect.

W. H. GIBSON.

Sworn to before me this 1st day of March, 1858.

G. J. KEEN, *Notary Public,*
Seneca Co., O.

I hereby certify that the above is a true copy of the account filed by W. H. Gibson in the office of the Probate Court, Seneca county, Ohio, on the 6th day of March, A. D. 1858.

Witness my hand and the seal of the Court this 7th day of September, A.D. 1858.

T. H. BAGBY,
Judge, Probate Court,
Seneca Co., Ohio.

[L. S.]

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Wm. H. Gibson, guardian of Mary J. Williams, in final account with his said ward.

1815—April 7.	To cash balance at filing of acc't current		$499 04
1858—Jan. 26.	To interest &c., received to date		103 00
	Total		$602 04

CONTRA.

1855—Nov. 12.	By check on Tomb, Huss & Co	$25 00	
	By cash by J. M. Patterson	25 00	
	By cash by J. M. Patterson	5 00	
	By cash sent to Indiana	30 00	
	By cash	5 00	
	By account of Geo. Taylor	2 50	
	By taxes of 1855	4 29	
	By cash	20 00	
	By W. P. Conrad and R. Crum's acc't	18 00	
	By account of Mrs. Zimmerman	1 50	
	By account of Tunison & Fay	11 00	
	By cash per J. M. Patterson	10 00	
	By cash	25 00	
	By cash	40 00	
	By cash	30 00	
	By cash	20 00	
	By cash	110 00	
	By cash	10 00	
	By cash per O. W. Williams	15 00	
	By cash per O. W. Williams	20 00	
	By cash to A. C. Spooner for board	22 00	
	By cash	50 00	
	By account of Pelin	2 00	
	By account of Scott	12 00	
	By cash in check on C. L. I. & Co.	20 00	
	By balance Walker & Durand's acc't	8 63	
	By cash Aug. '57, per O. W. Williams	3 00	
	By account of J. G. Gross	48	
			545 40
	Balance		$56 64
	To cash of Sarah Randall's estate $93 13 and interest 2 years $18 60		111 73
			$168 37

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The State of Ohio, city of Tiffin, ss:

Before me W. H. Gibson appeared and made oath, that to the best of his knowledge and belief the foregoing account is correct.

W. H. GIBSON.

Subscribed and sworn to before me, March 1, 1858.

G. J. KEEN, *Not. Pub. Seneca Co.*

I hereby certify that the above is a true copy of the account filed by W. H. Gibson in the office of the Probate Court, Seneca county, Ohio, on the 6th day of March, A. D., 1858.

Witness my hand and the seal of the Court, this 7th day of September, A. D., 1858.

T. H. BAGBY,

Judge Prbate Court, Seneca county, Ohio.

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REPORT

OF THE

EXAMINER OF THE TREASURY.

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, Feb. 9, 1859.

To the General Assembly:

I transmit herewith a manuscript copy of the report of Ephraim M. Colestock, special Examiner of the Treasury, and A. P. Russell, Secretary of State.

This examination was made in compliance with the provisions of the 11th section of the act to "To establish the Independent Treasury of the State of Ohio," passed April 12th, 1858. The copy is sent to the Senate.

S. P. CHASE.

TO HIS EXCELLENCY, S. P. CHASE, *Governor of the State of Ohio:*

SIR:—In pursuance of your letter of the 29th of December, 1858, appointing Ephraim M. Colestock Examiner of the Treasury of the State of Ohio, under the act of the General Assembly passed April 12th, 1858, which makes it the duty of the accountant so appointed, in connection with the Secretary of State, to make a thorough and complete examination of all the books, vouchers, accounts, &c., of the Treasurer, and count all moneys in the Treasury, and compare the books,

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vouchers, &c., with those of the Auditor and Comptroller, we have the honor to submit the following report as the result of our investigation:

The act under which this examination is made, took effect on the 1st day of July, 1858. We have made that the starting point for the examination now reported, closing the same on the 22d day of January, 1859.

In order to ascertain the condition of the Treasury at the time this examination commences, we have taken the sworn statement of F. M. Wright, Auditor of State, and made it the basis of the present report.

His statement is fully corroborated by the books and accounts of the Comptroller and Treasurer, and is made a part of this report, marked Exhibit A.

It will be seen by reference to the exhibit showing the condition of the Treasury on the 1st day of July 1858, that the Treasurer had paid overdrafts upon General Revenue, Canal Fund and Common School Fund, to the amount of $221,704 89. This he was enabled to do by the Sinking Fund Commissioners, who made a deposite with him charged in special acocunt, while they were negotiating for the temporary loan provided for by the act of the General Assembly, passed April 12th, 1858. The sum thus deposited was credited to the Fund Commissioners on the Treasurer's books, and does not appear as a charge against the Treasurer on the books of the Auditor and Comptroller. After the loan was fully negotiated, the entire amount of money received thereon was certified into the Treasury to the credit of the various funds to which it belonged.

GENERAL REVENUE FUND.

Receipts from July 1st, 1858, to January 22d, 1859		$582,406 63
DISBURSEMENTS.		
Overdrawn, July 1st, 1858	$159,174 99	
Auditor's drafts redeemed by Treasurer	338,614 31	
Claims transferred to Comptroller, and placed in the hands of Attorney General for collection	63,460 65	
Reduction on Auditor's draft on Hall, Brown & Co., collected by Attorney General	254 98	561,504 93
Balance		$20,901 70

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CANAL FUND.

Receipts from July 1st., 1858, to Jan. 22d, 1859		$184,713 55

DISBURSEMENTS.

Overdrawn July 1st, 1858	17,651 26	
Auditor's drafts redeemed by Treasurer	162,780 68	180,431 94
Balance		$4,281 61

SINKING FUND.

Amount in Treasury July 1st, 1858	48,714 95
Receipts from July 1st, 1858, to Jan. 22d, 1859	992,484 75
	$1,041,199 70

DISBURSEMENTS.

Auditor's drafts redeemed by Treasurer	889,217 87
Balance	$151,981 83

COMMON SCHOOL FUND.

Receipts from July 1st, 1858, to Jan. 22d, 1859	160,111 33

DISBURSEMENTS.

Overdrawn July 1st, 1858	44,878 64	
Auditor's drafts redeemed by Treasurer	99,078 00	143,956 64
Balance		$16,154 69

DISTRICT LIBRARY FUND.

Balance in Treasury July 1st, 1858	$8 28

RECAPITULATION.

Receipts on account of	General Revenue		$582,406 63
"	"	Canal Fund	184,713 55
"	"	Sinking Fund	1,041,199 70
"	"	Common School Fund	160,111 33
"	"	District Library	8 28
			$1,968,439 49

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DISBURSEMENTS.

On account of General Revenue	$561,504 93		
" " Canal Fund	180,431 94		
" " Sinking Fund	889,217 87		
" " Common School Fund	143,956 64	1,775,111	38
Balance		$193,328	11

In addition to this balance the Treasurer acknowledges the receipt of the following sums, viz:

Deposited by A. G. Conover, member of the Board of Public Works, on account of Lewistown Reservoir	$8,300 50		
Balance due Seneca County Bank (see schedule B)	1,373 70		
" " City Bank of Cincinnati (see schedule C)	7,118 83		
Interest received for use of Sandusky City Bank	992 00	17,785	03
Total amount in Treasury Jan. 22, 1859		$211,113	14

The foregoing balance of $211,113 14, upon examination, was found to consist of the following items:

Gold and silver coin	$54,505	86
Currency—being mostly notes of specie-paying Banks in this State	151,364	83
Comptroller's draft on the Treasurer of Van Wert county, dated November 4, 1858	1,000	00
Receipt of Attorney General for expenses incurred in canal contract suits	10	00
Certificate in favor of A. P. Stone, Treasurer, for notes of the Canal Bank of Cleveland	350	00
Interest coupons on the Mad River and Lake Erie R. R. Co.	1,290	00
Counterfeit and broken bank money left in Treasury by preceding Treasurer—put up, indorsed and sealed by Mr. Kelly—seal unbroken	1,392	00
National Road stock unclaimed	60	37
Due from Independent Banks, for Register's salary	600	00
Due from Piqua Branch Bank	440	08
Due from Treasurer of Coshocton County	100	00
	$211,113	14

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EXHIBIT A.

Statement of F. M. Wright, Auditor of State, of the condition of the Treasury on the 1st day of July, A. D. 1858.

GENERAL STATEMENT.

Over drafts on General Revenue	$159,174 99	
" " Canal Fund	17,651 26	
" " Common School Fund	44,878 64	
	$221,704 89	
Amount of Sinking Fund in Treasury		$48,714 95
" " District Library Fund in Treasury		8 28
Deposited by A. G. Conover, on account of Lewistown Reservoir		8,300 00
		$57,023 23

The State of Ohio, Franklin County, ss.

F. M. Wright, Auditor of State, being duly sworn, says that the above is a correct statement of the condition of the State Treasury on the 1st day of July, A. D. 1858, as shown by the books, accounts and vouchers in my office.

F. M. WRIGHT.

Sworn to and subscribed in my presence, this 31st day of January, 1859.

[L. S.] O. COLE,

Notary Public of Franklin Co.

EXHIBIT B.

SENECA COUNTY BANK.

Total amount received into the Treasury up t April 1858		$103,000 00

DISBURSEMENTS.

Amount paid for redemption of bills	$100,879 00	
Expenses brought from Independent Bank book	84 10	
Expenses since protest	663 20	
		101,626 30
Balance in Treasury, Jan. 22, 1859		$1,373 70

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EXHIBIT C.

CITY BANK OF CINCINNATI.

Statement of the account of the City Bank of Cincinnati with the Treasurer of State, Jan. 22, 1859:

Total receipts from sale of stocks, &c.		$37,459 66
DISBURSEMENTS.		
Amount paid for redemption of bills	$29,740 13	
Expenses since protest	600 70	
		30,340 83
Balance in Treasury, Jan. 22, 1859		$7,118 83

The following schedule exhibits the amount and character of the stocks deposited by each bank—the value at which they were estimated, when deposited, and the amount of registered notes delivered to them for circulation. As to the amount of circulation of the several banks, we have been obliged to rely upon the statement of H. Baldwin, Registrar.

LIST OF STOCKS HELD IN TRUST FOR INDEPENDENT BANKS.

BANK OF GEAUGA, PAINESVILLE.

Ohio 6's, payable 1860	$111,500	
" " " 1870	4,000	
" " " 1886	13,500	
" Domestic	10,000	
		$139,000
Circulation	$138,007.	

CITY BANK OF CLEVELAND.

Ohio 6's, payable 1860	$35,000	
" 5's, " 1865	15,000	
" 6's, " 1870	3,000	
" Domestic	52,700	
		$105,700
Circulation	$102,636.	

CITY BANK OF COLUMBUS.

Ohio 6's, payable 1860	$ 5,000	
" Domestic	50,000	
		55,000
Circulation	$49,935.	

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COMMERCIAL BANK OF CINCINNATI.

Ohio 6's, payable 1860	$5,000	$5,000
Circulation $4,331.		

DAYTON BANK.

Ohio 6's, payable 1860	$10,500	
" 5's, " 1865	1,000	
" Domestic	40,355	
		$51,855
Circulation $49,755.		

FRANKLIN BANK OF ZANESVILLE.

Ohio 6's, payable 1860	$9,000	$9,000
Circulation $9,000.		

MAHONING COUNTY BANK, YOUNGSTOWN.

Ohio 6's, payable 1860	$54,500	
" " " 1886	25,000	
" Domestic	4,000	
		$83,500
Circulation $83,475.		

SANDUSKY CITY BANK.

Ohio 6's, payable 1860	$ 6,400	
" 5's, " 1865	32,000	
" Domestic	12,800	
Cash in hands of Treasurer—interest collected	992	
		$52,192
Circulation $48,978.		

WESTERN RESERVE BANK, WARREN.

Ohio 6's, payable 1860	$150,000	$150 000
Circulation $150,000.		

LIST OF STOCKS HELD IN TRUST FOR FREE BANKS.

BANK OF COMMERCE, CLEVELAND.

Ohio six per cent. stocks of 1860	$86,000 00	
" " " 1870	1,884 77	
" five per cent. stock of 1865	17,000 00	
		$104,884 77
Circulation $94,884.		

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BANK OF DELAWARE.

Ohio six per cent. stock of 1860	29,000 00	
" " " 1875	1,700 00	
" " " 1886	14,000 00	
Circulation $44,703.		$44,700 00

BANK OF MARION.

Ohio six per cent. stock of 1860	39,600 00	
" " " 1875	4,500 00	
" domestic	26,000 00	
Indiana five per cent stocks $26,000, market value	22,825 00	
Circulation $92,925.		$92,925 00

BANK OF THE OHIO VALLEY, CINCINNATI.

Ohio six per cent. stocks of 1860	$15,000 00	$15,000 00
No circulation.		

CHAMPAIGN COUNTY BANK, URBANA.

Ohio six per cent. stocks of 1860	$17,000 00	
" " " 1875	4,770 00	
" " " 1886	11,000 00	
Indiana 2½ per cent. stocks $30,000, market value	16,200	
Circulation $48,970.		$48,970 00

FRANKLIN BANK OF PORTAGE COUNTY, FRANKLIN MILLS.

Ohio six per cent. stocks of 1870	$12,967 84	
" " " 1875	2,200 00	
Indiana five per cent. stocks $8,500, market value	7,055 00	
Circulation $22,220.		$22,222 84

FOREST CITY BANK OF CLEVELAND.

Ohio six per cent. stocks of 1860	$25,000 00	
" " " 1870	2,000 00	
" " " 1875	4,000 00	
Indiana five per cent. stocks $3,000, market value	2,520 00	
Circulation $33,520.		$33,520 00

IRON BANK OF IRONTON.

Ohio six per cent. stocks of 1860	$75,000 00	
" " " 1875	15,000 00	
Circulation $90,001.		$90,000 00

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MERCHANTS' BANK OF MASSILLON.

Ohio six per cent. stocks of 1860	$39,400 00	
" " " 1870	15,600 00	
" " " 1875	10,000 00	
" " " 1886	26,000 00	
Indiana five per cent. stocks $50,000, market value	45,000 00	
Circulation $135,987.		$136,000 00

MIAMI VALLEY BANK, DAYTON.

Ohio six per cent stocks of 1860	$55,600 00	
" five " " 1865	$9,000 00	
" Domestic	8,600 00	
Circulation $73,200.		$73,200 00

PICKAWAY COUNTY BANK, CIRCLEVILLE.

Ohio six per cent. stocks of 1860	$42,117 00	
Indiana five per cent. stocks $24,000, market value	20,160 00	
Circulation 61,274.		$62,277 00

SAVINGS' BANK OF CINCINNATI.

Ohio six per cent. stocks of 1860	$5,000 00	$5,000 00
Circulation $4,999.		

SPRINGFIELD BANK.

Ohio six per cent. stocks of 1860	$60,000 00	
" five " " 1865	40,000 00	
Circulation $100,000.		$100,000 00

STARK COUNTY BANK, CANTON.

Ohio six per cent. stocks of 1870	$16,030 00	
" " " 1875	10,000 00	
" " " 1886	10,407 00	
Indiana five per cent. stock $20,400, market value	16,872 00	
Circulation $53,370.		$53,372 00

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Among the domestic stocks deposited by the Sandusky City Bank, there is found bond number 771 for $10,600. The circumstances under which it was issued and afterwards deposited as security for the redemption of the circulating notes, were fully reported by Wm. O. Collins, Special Examiner, under date of February 23d, 1858, and to which we invite your attention. It will be seen that at that time the Bank had on deposit foreign and domestic stocks to the amount of $51,100; deduct from this the bond of $10,600 referred to, leaves the sum of $40,500, that being the actual security of the Bank for the redemption of its notes. The circulation as reported then exceeded the valid securities in the sum of $9,493.

Since then the Treasurer has collected the interest due on the bonds held in trust for said Bank, and invested part of it in the purchase of other bonds, and the Bank has returned notes to be burned for the purpose of reducing its circulation, so that by reference to the foregoing statement it will be seen that the bonds and interest now in the hands of the Treasurer amounts to the sum of $52,192; deduct from this the spurious bond of $10,600, leaves the sum of $41,592. The circulation reported by H. Baldwin, Bank Register in the Comptroller's Department, is $48,978, which, when subtracted, leaves a balance of circulation above the actual security in the hands of the Treasurer of $7,286.

We have made a careful examination of the accounts and vouchers of the Treasurer, compared the drafts and vouchers upon which money was paid with Schedules furnished to the Auditor and Comptroller, and made an examination of the books in his office, compared them with those of the Auditor and Comptroller, and found them to agree and correspond with each other in every item.

We also counted the money in the Treasury, examined and counted the bonds held in trust for Banks, and found the same as reported in the statements and exhibits herewith submitted.

It gives us pleasure after thorough and careful examination to say that we have been unable to detect any error or irregularity in the books of either department, all of which are kept in a manner highly creditable to the officers and clerks having them in charge.

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We take occasion to express our thanks to the Treasurer, Auditor and Comptroller, and their assistants, for the cheerful and ready assistance rendered us during the progress of this examination.

Respectfully submitted,

(Signed) E. M. COLESTOCK, Special Examiner.

(Signed) A. P. RUSSELL, Secretary of State.

Feb. 3d, 1859.

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SPECIAL REPORT

OF THE

AUDITOR OF STATE.

AUDITOR OF STATE'S OFFICE,
Columbus, Feb. 17, 1859.

HON M. WELKER, *President of the Senate:*

In compliance with a Resolution of the Senate, passed January 25, 1859, requesting me to furnish certain statistical information in regard to the amount of taxes paid by the several counties through which the canals of the State run, as well as by those having no canals, from 1826 to 1858 inclusive, and also the amount of money applicable to canals derived from the sale of the U. S. lands, I herewith submit a report, in detail, of the several items of inquiry as full and complete as the records on file in this Department will enable me to do.

Very Respectfully,

FRANCIS M. WRIGHT.

Auditor of State.

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The following statement of sales of Canal Land is prepared from the quarterly reports of the Receivers of the Several State Land offices, and comprehend all the lands which have been reported to this office, as sold by the State for canal purposes.

MIAMI CANAL LAND.

Sold at Piqua	$365,122 60	
" Lima and Defiance	227,545 63	
Total		$592,668 23

W. & E. CANAL LAND.

Sold at Perrysburgh	241,706 15	
" Lima and Defiance	296,837 62	
Total		$538,543 77

OHIO CANAL LANDS.

Sold at Piqua, Lima and Defiance	280,066 89	
" Tiffin	340,764 62	
" MOumee City	1,800 00	
Total		$622,571 51
Grand Total		$1,753,783 51

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ANNULAR STATEMENT, compiled from documents of Tax in each county during the years 1850, &c.

... 53, inclusive, accurately paid, is given in this

COUNTIES.	Canal Tax paid in 1850.	Canal Tax paid in 1851.	Canal Tax paid in 1852.	Canal Tax paid in 1853.
Adams	$583 01	$1,427 [illegible]	$1,427 [illegible]	$1,806 [illegible]
Ashland	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]

SPECIAL REPORT

OF THE

ACTING STATE HOUSE COMMISSIONER.

OFFICE OF COMMISSIONERS OF NEW STATE HOUSE,
Columbus, February 24th, 1259.

To the General Assembly of Ohio:

In compliance with a resolution of your honorable body, passed the 11th inst., I herewith submit my answers to the interrogatories embraced in said resolution, as follows:

"*Resolved by the Senate and House of Representatives of the State of Ohio*, That W. A. Platt, Acting Commissioner of the New State House, be and he is hereby directed to communicate to the General Assembly forthwith, all the information desired or asked for in the following interrogatories, to wit:

Question 1st. "Under what law have you been acting while carrying forward the work on the New State House during the year 1858, and by what authority of law have you been drawing money from the State Treasury during said year?"

Answer. Under the law "To provide for the prosecution of the work on the New State House, prescribing the order in which it shall be done," &c.," passed April 8, 1856. I have "been drawing money from the State Treasury during said year" (1858) by authority of the same law, together with a clause in the act "making appropriations for the year 1858," &c., which appropriates one hundred thousand one hundred dol-

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lars "*for State House purpose, &c., to be paid on the certificate of the Acting Commissioner and Architect.*" See Laws of Ohio, 1858, page 109. Also opinion of Attorney General, herewith submitted.

Ques. 2d. "What amount of unsettled claims are there against the New State House which were incurred prior to April, 1856; in whose favor are those claims, and what is the amount due each claimant?"

Ans. The amount of unsettled claims against the New State House, which were incurred prior to April, 1856, as far as can now be stated, is as follows:

John R. Platt, balance on bill of glass	$1,931 54
James Lennox, balance on 4 different bills for heating apparatus, including amount of interest claimed to 15th inst.	3,558 79
Total	$5,490 33

In addition to these, there are *unadjusted* claims in favor of Charles Rule, for marble work, and B. T. Dale & Son, for plastering, now before the Legislature, a portion of which should be classed with the above; but the amount cannot be stated until after said claims are adjusted.

Ques. 3d. "In your last annual report (date Dec. 15, 1858), on page 11, in showing the difference between the estimated amount required to complete the State House, from and after the close of the fiscal year 1855, which was made by your predecessors, and what will be the entire cost when completed as per your estimate, and in giving the amount appropriated since the date of that estimate, you state there were but ninety thousand dollars appropriated for the year 1856. Why do you leave out $196,237 32 which were appropriated March 15th, 1856, and $111,883 03, appropriated April 12th, 1856, and also $12,682 04, being the amount of the Columbus Machine Manufacturing Company's claim, and appropriated April 12th, 1858?"

Ans. The appropriations mentioned in the third interrogatory are left out of the statement made on page 11 of annual report, December 15th, 1858, because they were made specifically to pay indebtedness which had accrued prior to the appointment of the present Board of Commissioners, and *not* to continue the work under their direction. Hence they do not properly belong to the statement there made. The amount of these appropriations is given on the preceding page (10 of same report; the $196,237 32 and $111,883 03, added together, make

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the sum of $308,125 35 there given) in a statement showing the sum expended on the building from its commencement to November 15th, 1858, where, in the opinion of the Commissioners, they do properly belong.

Ques. 4th. "In adopting the plan for enlarging the east terrace, was it your object for so doing to provide a safer and better place for the steam boilers than where they are now located; if so, why in the construction of that terrace was there not a place provided for those boilers, and also openings left through the foundation walls for the requisite flues to conduct the gas from boiler furnaces to stacks at their new location?"

Ans. "In adopting the plan for enlarging the east terrace," one of the objects estimated of importance to be attained, was "to provide a safe and better place for the steam boilers than where they are now located." In the construction of this terrace provision *has* been made for steam boilers in both the north and south parts of said terrace. Openings were not "left through the foundation walls for the requisite flues to conduct the gas from boiler furnaces to stacks at their new location," because *no new location* has yet been fixed upon for the stacks. Should provision be made for the removal of the stacks and boilers, flues can then be constructed through the foundation walls where they may be needed, *without difficulty, or injury to the walls.*

Ques. 5th. "Is your intention to connect the present ventilating flues with the new stacks which you propose to build? If so, through what part of the foundation walls of the building (without injury to walls) do you expect to carry such flues to make such connection?"

Ans. Should an appropriation be made to defray the expense of removing and reconstructing the smoke stacks, it *is* intended "to connect the present ventilating flues with the new stacks." In that event we expect to carry such flues through the "foundation walls of the building, without injury to walls," under the main entrances at the north and south ends of the terrace.

Ques. 6th. "In what manner do you propose changing the steam pipes in hot air chambers, and what is the object of such changes?"

Ans. In the event of provision being made for the purpose, as before stated, it is proposed to change the steam pipes in the hot air chambers from the horizontal position in which they now are, to a perpendicular

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or upright position. The object of this change will be to produce a greater amount of heat from the same consumption of fuel, by getting rid of the condensed steam which now occupies a portion of the pipes, diminishing the heating surface. I have been credibly advised that experiments have proved that one-fourth more heat may be produced with the same amount of fuel and heating surface, from pipes in a perpendicular position.

Ques. 7th. "What has been the expense of constructing the east terrace and steps, up to the first day of this month, (January), and what will be the entire cost when completed?" The amount which has already been expended, and also the estimates to complete the same, must be in detail, and under proper heads; and the said Commissioner is hereby further directed to furnish to this General Assembly an abstract statement of all work yet remaining to be done in and about the State House, the Capitol square, and fence to inclose the same, together with detailed estimates for each description of work, under proper heads, carefully specifying the kind of materials to be used, giving in detail quantities and price.

Ans. The precise point in the progress of the work on the east terrace and steps, reached on the "*first day of January*," cannot not now be determined; hence the amount expended in its construction at *that* date, cannot now be stated.

The cost to the present time (February 21, 1859), is	$14,479 52
That which now remains to be done is estimated at	2,792 70
Making the whole cost when completed	$17,272 22

This should be understood as including *all* the terrace and steps on the east side of the building, and not the *enlargement merely*. The estimate for this terrace and the steps, if constructed *without* the *enlargement*, and on the same plan as those on the west side of the building, is $7,887 70.

For *items* and *cost* of the work now done on the east terrace and steps, and estimates in detail for finishing the same, together with all other work remaining to be done in and about the building and grounds see statements which follow:

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Expended in constructing east terrace and steps up to February 21, 1659—

For 2,524 53/100 yards excavation, 14c		$353 43
94½ perch large stone for bottom foundation, $1 75	$165 37	
824½ perch building stone for foundation, $1 15	948 17	
Laying 919 perch foundation (labor & materials) $1 25	1,148 75	
		2,262 29
For 641½ feet cast iron girders, $1 98	1,269 51	
20 " columns, $17 98	359 60	
10 " " 10 54	105 40	
2,491½ " joists, 1 10	2,750 65	
10 cast iron plates, 679 lbs, 3c	20 37	
2 " columns, 436 lbs, 3½c	15 26	
		4,520 79
For 82,800 brick, $4 50	372 60	
50,000 " 4 75	237 50	
9,600 " 5 00	48 00	
Laying 142,000 brick, (labor only) $2 00	284 00	
12,135 feet free stone flagging, 11c	1,334 85	
12,135 " " dressing, and setting (labor only) 6c	728 10	
Drayage on flagging, ½c per foot	60 67	
330 bbls. Louisville cement, $2 70	891 00	
166 " Belmont " 2 10	348 60	
195 loads bank sand, 75c	146 25	
102 " river sand, $1 00	102 00	
		4,553 57
For 1,773 feet of dressed stone, including setting, 70c	1,241 10	
1,313 feet steps dressed ready to set, 60c	787 80	
		2,028 90
For 4 sets of doors, $9 00		36 00
Centers for arches	160 00	
Laborers (masons and tenders)	350 00	
		510 00
For 44 pieces rough plate glass one inch thick for toplights	105 50	
44 iron settings for toplights, 10,904 lbs., 4c	109 04	
		214 54
		$14,479 52

Estimate for finishing the east terrace and steps—

For 1,800 feet of steps, dressed ready to set, 60c	$1,080 00
1,340 feet cut limestone, 65c	871 00

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Setting 1,972 feet cut stone	$197 20	
Setting 2,725 feet steps to porticoes and terrace	272 50	
800 feet freestone flagging, 11c	88 00	
Drayage on same	4 00	
Materials and labor laying 800 feet flagging, 12c	96 00	
Hanging and trimmings, 4 sets doors, $6 00	24 00	
Laborers	60 00	
Filling joints of flagging with oil cement	100 00	
		2,792 70

Estimated cost of finishing stairs to second story in north and south wings, with marble balusters and mahogany hand-rails—

For 16 perch of stone, $8 00	$128 00
Setting and dressing 322 feet stone, 60c	193 21
1,057 feet mahogany for hand-rails, 15c	160 55
200 feet lineal hand-rail workmanship, $1 50	300 00
64 hand-rail screws, 12½c each	8 00
2 marble newel posts, $1 50	300 00
Setting 180 marble balusters, $2 00	360 00
161 feet rustic joints, 30c	48 30
Making scaffolding, &c	500 00
Add for contingencies, salaries, &c	593 90
	$2,591 95

If marble is substituted for mahogany for the hand-rails, there should be added to the above $2,234 45

Estimate for the interior dome, rotunda and cupola—

For lintels on dome in rotunda (cast iron) 2,288 ft., $1 00	2,288 00	
Archatrave between lintels, (cast iron) 512 ft. 50c	256 00	
Impost moulding of wainscoting (cast iron) 12 feet $20 00	240 00	
Band above arches, 904 feet, $1 00	904 00	
Stone cornice above pedestals, 226 feet, $5 00	1,130 00	
Lattice ribs in dome, 2,450 feet, $1 00	2,450 00	
Angular iron at pannels, wrought, 200 feet, 30c	60 00	
Superficial feet of dome iron lath, 6,500 feet, 50c	3,250 00	
Cast iron rim, ⅜ thick to sky-light, 870 feet, 75c	52 50	
The inner sky-light complete, 12,000 lbs., 10c	1,200 00	
Surface plastering of dome, 722 yards, 35c	252 70	
Faucess between pannels, 24, $75 00	1,800 00	

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Octagon pannels, 24, $5 00	$120 00	
Long pannels, 24, $15 00	360 00	
Rosetts, 24, $5 00	120 00	
Wreaths above rosetts, 24, $5 00	120 00	
Egg moulding in pannels, 1,176 feet, 20c	235 20	
Spindle bead (cast iron) 91 feet, 50c	45 50	
Painting dome, 3,000 yards, 30c	900 00	
Plastering walls of rotunda, 2,000 yards, 35c	700 00	
*Marble tile in rotunda, complete, 3,216 feet, $1 33	4,277 28	
258 feet cornice ornaments, $2 00	516 00	
1,072 yards plastering and furring, 30c	321 60	
2,310 feet floor laid, complete, 40c	92 40	
2 flights of stairs, $75 00 each	150 00	
Add 20 per cent. for contingencies	4,488 23	
		$26,929 41
For finishing Library—		
For Gallery floor, 7 ⋈ 540, 3,780 feet, $1.25	$4,725 00	
Entablatures in gallery, 5 ⋈ 220, 1,100 feet, 50c	550 00	
" in book cases, 2 ⋈ 666, 1,332 feet, 50c	666 00	
" first story, 3·4 ⋈ 260, 866 feet, 50c	433 00	
" iron shelves, 1-2 ⋈ 666, 777 feet, 50c	388 50	
Enriched moulding in entablature, 2,151 feet, 25c	537 75	
Iron for tops of shelves, 1,648, 40c	659 20	
Iron in tops of book cases, first story, 208 feet, $1.00	208 00	
Iron between shelves, 2,256 feet, 40c	902 40	
Iron ends of book cases in first story, 475, 75c	356 25	
Iron corners of book cases in second story, 36, $30.00	1,080 00	
Iron railing in gallery, 440 feet, $4.00	1,760 00	
Shelving in all the cases, 3,979 feet, 10c	397 90	
2 flights of iron stairs, $200.00	400 00	
42 cast iron columns, $25.00	1,050 00	
42 capitals and bases, $40.00	1,680 00	
1 desk and fixture for Librarian	150 00	
4,000 yards painting, 30c	1,200 00	
130 antæ capitals, $6.00	780 00	
1,300 feet skylights (additional) $5.00	6,500 00	
Add 20 per cent. for contingencies	4,884 80	
		$29,308 30

* This item was accidentally omitted in the estimate made by the Architect for the last annual report.

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For vaulting and flagging the Northwest Court—		
For 30,000 brick laid in cement, $10.00	$300 00	
1,500 feet centering for arches, 10c	150 00	
8 lights glass set in brick arches, $5.50	44 00	
1,500 feet free stone flagging, dressed and laid, 30c	450 00	
Add for contingencies	188 80	
		$1,132 80
Estimate for passage between Senate chamber and Clerk's room—		
For Cast iron brackets	$155 40	
Windows	112 00	
Doors	40 00	
Roof	30 00	
Floors	15 00	
Stone cutting and drilling	110 00	
Carpenters preparing for doors, &c	120 00	
Tiling in Senate chamber	60 00	
Plastering	30 00	
Add for contingencies	156 00	
		$828 40
Estimate for Fence, Gates and Posts—		
For 1,300 feet linneal excavation for foundation 4 feet deep, 20c	$260 00	
433 perch stone foundation laid complete, $2.40	1,039 20	
1,300 feet lineal for stone base for fence, $2.25	2,925 00	
1,300 " iron fence, $7.50	9,750 00	
8 gate-posts, small size, $120.00	960 00	
2 " large size, and sills	1,150 00	
6 gates, small size, $75.00	450 00	
1 pair gates, large size	200 00	
200 feet lineal stone steps and sills to gates, $1.00	200 00	
1,500 yards painting fence, 30c	450 00	
Add 16 per cent for contingencies	1,738 42	
		$19,122 62
For trees, shrubbery, and ornamenting grounds	$1,500 00	
5,360 feet stone flagging on main walks between building and gates, 25c	1,340 00	
2,824 feet lineal brick gutters at fence and along walks, 10c	282 40	

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To complete the grading of the eastern portion of the grounds	$1,000 00	
4 iron lamp posts and lanterns, $95.00	380 00	
2 large lanterns for gate posts, $60.00	120 00	
		$4,622 40
Grading, flagging Sidewalk, and paving Gutters outside of Inclosure—		
For 2,802 feet curb, dressing and setting, 70c	$1,961 40	
2,490 yards paving gutters with boulders, 41c	1,020 90	
245,000 brick, grading, sand and laying, $10.00	2,450 00	
Planting and boxing trees on sidewalk	200 00	
Add for contingencies	300 00	
		$5,932 30
For fluting 24 columns		20,000 00
For lightning rods—		
For 200 feet iron tube, 1½ inch diameter, 36c	$72 00	
300 " 1 " 30c	90 00	
650 " ¾ " 26c	169 00	
Labor, drilling walls, &c	69 00	
		$400 00

The preceding statements show the estimated cost of completing the building in the manner heretofore contemplated. They are the result of a careful revision (and some changes) of the estimates made by the Architect for the last annual report, and will be found to amount in the aggregate to the sum of $113,661 38. Should the fluting of the columns be omitted, this sum will be reduced $20,000 00. An addition for "*Contingencies*" has been made at the bottom of each estimate. This is to cover omissions which, in detail estimates for building and improvements of this magnitude, are inevitable, together with salaries and contingent expenses, and I think will not be found too large for this purpose.

Should the alterations and additions which have been suggested, be approved and adopted by the General Assembly, the following statements show the items which will be required, and their estimated cost:

For painting plastered walls	$8,000 00

N. B. This item, although mentioned in the last annual report, was not carried into the estimates.

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For removing and reconstructing the boilers and chimney stacks—		
For removing and re-setting boilers		$3,500 00
54,000 feet changing steam pipes in chambers, &c		6,500 00
400 feet underground smoke flues	$12 75	1,100 00
500 feet air duck	3 50	1,750 00
150 feet flues, cast iron	10 00	1,500 00
Removing and reconstructing 2 chimney stacks		21,500 00
Add for contingencies		4,150 00
		$40,000 00

Estimate of cost of materials and excavation for the portico of west front—			
2,437 yards of excavation for foundation		$0 30	$731 10
1,229 perch of stone " "		3 00	3,687 00
22 perch of stone in base block for columns to stand on		8 00	176 00
339 " " " columns		5 00	1,695 00
116 " " " steps		5 00	580 00
34 " " " flagging		5 00	170 00
77 " " " lintel course		6 00	462 00
7 " " " freize course inside of portico		6 00	42 00
110 " " " level cornice		7 00	770 00
126 " " " racking		7 00	882 00
42 " " " tympanum		5 00	210 00
89 " " " panels and moulding		5 00	445 00
65 " " " anteas		5 00	325 00
37 " " " beams between panels		5 00	185 00
14 " " " metops		5 00	70 00
14 " " " trygliphs		5 00	70 00
59 " " " capitals of columns		8 00	472 00
7 " " " outside belt		5 00	35 00
6 " " " inside		5 00	30 00
110,000 brick		15 00	1,650 00
90 perch rough stone in pediment and entablature		5 00	450 00
13 " " " for anteas		5 00	65 00
2,400 feet of stone in terrace (flagging)		15	360 00
10 perches of stone in antæ capitals		7 00	70 00
Cost of stone, brick and excavation			$13,632 10
Deduct for old stone to be taken down			4,721 00
			$8,911 10

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Estimate of cost of labor for portico west front—

719	feet	dressing base blocks for columns	$0	45	$325 55
8,000	feet	fluting of 10 columns in portico	1	50	12,000 00
140	"	dressing beds of columns, &c		15	21 00
1,842	"	" 10 capitals	1	00	1,842 00
2,024	"	" flagging for portico		45	910 00
4,340	"	" steps		45	1,953 00
860	"	" outside lintels		45	387 00
750	"	" inside do		45	337 50
423	"	" soffit		45	190 00
135	"	inside frieze		45	60 75
300	"	inside moulding	1	00	300 00
1,080	"	" panels	1	00	1,080 00
2,280	"	" flagging for terrace		30	684 00
1,386	"	" beams to panels		45	623 00
935	"	" antæs		45	420 75
825	"	" metops		45	371 25
460	"	" trygliphs (girts)	1	00	460 00
2,184	"	" level cornice (girts)	1	00	2,184 00
3,360	"	" rocking cornice (girt)	1	00	3,360 00
1,054	"	tympanum		45	474 30
522	"	" belt course out side (girt)		45	234 90
450	"	of inside belt (girt)		45	202 50
50	"	47 tenia or drops in architrave	1	00	50 00
500	"	47 malates in cornice	1	50	750 00
94	"	antæ caps	1	50	141 00
					$29,362 35

RECAPITULATION.

Cost of stone, brick and excavation	$13,632 10	
Cost of dressing stone, &c	29,362 35	
	$42,994 45	
Deduct for old stone to be taken down	4,721 00	
		38,273 45
Add for contingencies 20 per cent		7,654 68
Cost of portico exclusive of roof		45 928 13

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Estimated cost of the Colonnade surrounding the Cupola:

61	perch	of	stone	in	base	of	Cupola, at $6	$366 00
15	"	"	facia	"			$6	90 00
135	"	"	cornice	"			$8	1,080 00
41	"	"	floor	"			$6	246 00
4,596	feet	of	dressed	stone	in	base	of Cupola, at 50c	2,298 00
1,092	"	"	facia	"			50c	546 00
9,440	"	"	cornice	"			50c	4,720 00
3,036	"	"	floor	"			50c	1,518 00
46,922	lbs.	iron	lattice	girders,	at	10c		4,699 20
40,000	brick	laid	in	cement,	at	$15		600 00
								$16,163 20

Old materials to be used again—

3,600	feet	ashler	in old base, at 40c	1,440 00	
2,000	"		eight chimney shafts, at 40c	800 00	
270	"		cornice, at $5	1,350 00	
					3,590 00
			Cost of base of Cupola		$12,573 20

Roof of Portico and Cupola—

9,000	feet	roofing,	covered with copper, at $1	9,000 00	
Deduct 3,550	feet	old copper	to come off, at 20c	710 00	
					8,290 00

Cupola, Columns, &c., &c., of Iron—

2,150	feet	roof of Colonnade	in copper, at $1		2,150 00	
1,450	feet	of cornice, superficial measure of cast iron, ¼ inch thick, at 50c			725 50	
317	feet	of honeysuckle ornament, at $1 50			475 00	
295	feet	iron railing		2 00	590 00	
1,293	feet	of dental		50	646 50	
675	"	frieze course, outside,	¼	inch thick, at 50c.	337 50	
900	"	architrave course,	¼	" 50c.	450 00	
958	"	saffit	¼	" 50c.	479 00	
1,035	"	inside architrave,	¼	" 50c.	517 50	
800	"	moulding and facia,	¼	" 50c.	400 00	
2,414	"	ceiling, at 50c			1,207 00	
11,520	feet	of surface in shafts and columns, ⅜ in. thick, at 75c			8,640 00	

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2,927 yards painting and sanding, at 30c.				$878 10	
325 feet bed mould of cornice, ½ inch thick, at 50c.				162 50	
450 " band "		"	50c.	225 00	
2,116 feet capitals,	¾	"	$1 50	3,174 00	
648 " bases,	¾	"	1 50	972 00	
Add for contingencies 20 per cent.				8,578 56	
					30,668 16
Total					$51,471 36

RECAPITULATION OF COST OF CUPOLA.

Cost of Base of Cupola (stone work)	$12,573 20	
Cost of remodeling the roof	8,290 00	
Cost of Cupola, Colonnade, &c. (cast iron)	22,029 60	
Add for contingencies 20 per cent.	8,578 56	
		$51,471 36

Respectfully submitted.

WM. A. PLATT,
Acting Commissioner.

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OPINION OF ATTORNEY GENERAL.

ATTORNEY GENERAL'S OFFICE,
Columbus, O., 15 Nov., 1858.

SIR: In my note to you of the 15th of April last, advising you that in my opinion the "act to provide for the more expeditious completion of the New State House, prescribing the order in which it shall be done," passed April 12, 1858, was in all of its distinguishing characteristics repugnant to the Constitution and void, I promised to communicate to you, at an early day, the reasons upon which that conclusion was founded. Though this was done verbally, within a day or two after the date of that note, the importance of the subject seems to render it desirable that the grounds of this opinion should be stated in writing, so as to avoid all possibility of mistake. Retaining the present tense, I therefore proceed at once to repeat in this permanent form the substance of my verbal communication to you.

The labor which the performance of this task would otherwise impose on me is, however, very much lessened by the fact that one of the questions then considered has since passed into judgment and is now the settled law of the State. In a proceeding properly instituted for that very purpose and presenting directly this single point, the Supreme Court, upon elaborate argument, and after full consideration, has pronounced so much of the act in question as aimed to clothe the individuals therein named with power to appoint "Commissioners of the State House," to be incompatible with the constitution. This authoritative judgment of the highest judicial tribunal of the State must every where be deemed as absolutely conclusive. To the extent indicated the act is void. Quite possibly, however, the other provisions of the act may still remain effective, for it is not a rule of universal application that an enactment void in part is void in whole. While, therefore, this decision does not in terms, or as of course, invalidate the entire act, it does nevertheless necessarily constitute the stand-point of all discussion as to

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the validity of those provisions not already comprehended within the expressed judgment of the court. Proceeding then upon this foundation, the first inquiry is as to the operative effect of this adjudication upon so much of the act as is not covered by its immediate terms. An undoubted and familiar principle furnishes the governing rule by which this inquiry must be determined. Whenever one of several provisions contained in the same statute is void, if the void provision be so independent of the others as to be easily separable therefrom, and still leave a perfect constitutional enactment, capable of execution and giving full effect to the legislative intent expressed by the entire original act, the void provision may alone be rejected, and the other unobjectionable independent provisions will stand as valid. On the other hand, if the various provisions of the act are so connected with and dependent on each other as to constitute a whole, the entire act thus connected and dependent must stand or fall together. If void in part, it is void throughout. The application of this principle to the act in question, is as plain as it is decisive. The leading object of the statute is very accurately and emphatically defined by its first section, and in the language of that section, is the creation of a "Board denominated the Commissioners of the State House, composed of three persons *to be appointed by William Kennon, Asahel Medbery and William B. Caldwell, under whose direction and authority the further prosecution of the work in the completion of the New State House shall be conducted and carried on.*" This is the key note to the entire enactment. With the exception of the repealing clause and of that part of the tenth section which abolishes the office of janitor theretofore created by joint resolution (which will be made the subject of distinct consideration), every section and provision is clearly subordinate to, and in furtherance of, this controlling purpose. The language of these provisions has everywhere reference to "said" commissioners. They simply prescribe the specific limitation, and designate the particular agencies under and by the use of which the "commissioners so appointed" shall control and "direct" the "further prosecution of the work in the completion of the New State House." The enactment spends its entire force upon *them* alone, so that no single thing therein authorized or commanded can be accomplished save by *them* or *their* instrumentality. In fine, the act has no vicarious operation. It must be executed by the very commissioners appointed in the mode prescribed by its own provi-

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sions, or it never can be executed. Since, however, it has been definitely settled that so much of the act as provides for the mode of appointing these commissioners is repugnant to the constitution and void, all its other provisions, with the two exceptions stated, concerning, as they do, simply the powers to be exercised and the duties to be performed, by this impossible, because unconstitutional, body, must be deemed equally inoperative.

This leaves only for consideration that last paragraph of the tenth section, which, if effective, sweeps away the then existing office of "Janitor of the New State House;" and the final section, which, upon the same condition as to its validity, repeals the only statute then in force relating to the construction of the State House, and in terms abolishes the offices created thereby. Manifestly these two provisions stand on the same footing, must be governed by the same rule and share the same destiny, so that the inquiry may at once be limited to the final section.

But the clause of this section last quoted, has no special significance, for the simple repeal of the statute would inevitably cut up by the roots all offices founded on its provisions, and, *e converso*, the abolition of the offices would virtually repeal the statute by taking away the only agencies through which it could be executed. The whole question, therefore, turns upon the effect to be assigned to this provision of repeal.

The offices hitherto held and the powers hitherto exercised by yourself and associate commissioners, have their sole foundation and warrant in the statutes covered by the terms of this provision. If this repealing clause is held to escape the fate which has annihilated the other provisions of the same act, you and they are absolutely divested of all official functions, and have no longer any sort of authority or control over the work of completing the State House. Any attempt on your part to intermeddle therewith, even for the purpose of preserving the building itself, or the materials gathered to complete it, would be a plain usurpation, justified perhaps by the necessity of the case—though, as to that, I express no opinion—but still a manifest usurpation. The office of janitor stands, as has been seen, upon the same footing, and the same considerations which would operate the destruction of your office, apply to that with an equally fatal effect, and the person hitherto holding that office must at once cease that care and authority over the finished portion of

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the State House which devolved upon him by virtue thereof. If, therefore, this repealing clause is operative, the unavoidable consequence will be to arrest peremptorily the further prosecution of the work of completion, and to abandon the structure itself to all the hazards of injury from the elements, and from other causes, natural and accidental, to which its unfinished state renders it extremely liable.

The question to be determined is therefore every way one of very serious moment, and as such has engaged my most anxious consideration. That it was competent for the General Assembly to repeal all those existing legislations which provided for the completion or immediate care and preservation of the State House, and abandon the edifice as a "derelict," no one will question. That it actually has done this, every one must doubt, and properly doubt, until driven to admit it by some act of that body speaking a language which will bear no other interpretation. A conclusion which implies an omission on the part of the Legislature to discharge a plain duty, and which might lead to the most disastrous consequences, is not to be adopted, except upon grounds so urgent as to leave no other lawful alternative. Every reasonable intendment is to be made against it. With these legitimate considerations in view, I proceed at once to examine the effects of this repealing clause. This examination will aim simply to arrive at the cardinal object of all statutory interpretation—the intent and purpose of the law-maker. In order to ascertain this, the act must not be dissected into parts, and each part examined independent of the others, but the whole must be considered, and the intention of the law-giver gathered from a comparison of each of its provisions with every other. When the leading intent has been thus determined, it will operate with absolute sway, even to over-riding the strict letter of the act, if an adherence to that would defeat its paramount object. If this repealing provision, or the section of which it forms a part, stood by itself, and constituted a distinct independent enactment, there could of course be no doubt as to its effect. Whatever might be the consequences, it would instantly and conclusively abrogate the legislation against which it was directed, for that would have been the undeniable purpose of the law-maker. But the present question is a very different one. Here is not a distinct and independent enactment. It is part of a sentence contained in the last of a series of thirteen sec-

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tions, grouped in a single "act," described by a single comprehensive title, referring to a single subject-matter, animated by a common intent, and designed to accomplish a single purpose. Twelve of these thirteen sections are void, and no part of the act save the repealing clause can ever operate, so that the real inquiry is, Did the Legislature intend that this single clause—this mere fragment of a section—should take effect, even though all the other provisions of the act should be utterly inoperative? In my deliberate judgment, this question must be answered with an emphatic negative.

1. It will not be doubted that the General Assembly, by connecting these thirteen sections into a single act, and giving to them the form as well as the character of unity, intended that consentaneous effect should be given to each provision, and that, as a whole, this act should have the force of law. But all of the provisions which gave to the act its distinguishing characteristics are wholly inoperative, and the great purpose of the Legislature, which could be accomplished only by the harmonious and dependent action of each and every part of the act, is utterly defeated. To hold then that this clause is still effective, would be to give it operation under circumstances the exact opposite of those to which it was designed to apply. Very evidently it was adopted simply as the complement of the other provisions of the act, to clear the way for the unimpeded operation of the scheme created by those provisions, and now that the scheme itself has miscarried, it would contravene the plain legislative intent to give to this mere incidental ancillary measure the effect of a solé independent enactment. It would be a very bold stride, and one involving the most dangerous consequences, to rule that, when the one paramount object of an act had been defeated, it might thus be broken into fragments, and separate effect given to one of those fragments, in a condition of affairs not contemplated by the law-maker. For myself I disclaim proceeding on any such grounds. There is no rule or theory of statutry inte pretation, known to me, which would warrant it, and certainly it is safer and more respectful to the legislator to hold that a statute which fails to accomplish the great undeniable purpose of its enactment, fails also as to all those minor and subordinate parts designed merely as means to achieve the principal end.

2. The very title of the act demonstrates that the General Assembly did not intend that this clause should have a separate independent effect.

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It is an universal rule of construction, everywhere applied to all legislation, that when the purpose of the body of an act is doubtful, the title may be resorted to as a means of removing the ambiguity. In this State, however, the rule has even a broader scope, for here the title of an act carries with it far more than ordinary significance. The Constitution, by the sixteenth section of the second article, ordains that "no bill shall contain more than one subject, which shall be clearly expressed in its title." Conceding at once that this command is addressed solely to the legislative houses themselves, and cannot, therefore, be judicially enforced, it is none the less imperative upon them to yield an implicit and entire obedience to this supreme mandate. This duty each house must be taken to have fully and carefully performed in every case, unless the plain language of the act itself in the particular case overturns the presumption. To secure the performance of this duty, it is the universal rule and practice of each house to adopt the title only after the body of the act itself is complete, and has passed through its legal legislative stage.

Adopted thus in full view of the various provisions of the act, and designed to "express clearly" the subject contained therein, the title must be held to afford very cogent, if not indeed conclusive, evidence of the object and purpose intended to be attained by the act. Fulfilling this constitutional injunction, and observing this rule of legislative practice, the General Assembly, by the title which it affixed to the act in question, solemnly declared its "subject" to be "to provide for the *more* expeditious completion of the New State House, prescribing the order in which it shall be done."

This seems altogether decisive of the question. The object of the Legislature was not to retard, but to hasten the completion of the structure—not to suspend the work thereon, but to drive it forward with still greater energy. The effect, however, of construing this repealing clause as separately operative, would be to arrest entirely the prosecution of the work, until the Legislature at some future session shall direct it to be resumed and to hinder, for an indefinite period that "*more* expeditious completion" which it was the declared and single purpose of the Legislature to accomplish by this enactment.

Plainly, this construction, so subversive of the expressed intent of the law-maker, cannot be maintained.

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3. Other enactments of the General Assembly *in pari materia*, that is relating to the same subject matter, lead unmistakably to the like result.

Since the act to provide for the more efficient and "expeditious completion of the New State House," passed March 18th, 1852, the energetic prosecution of the work upon this edifice has been a favorite policy, adhered to through all administrative changes, and pursued by every successive Legislature.

The present General Assembly indicated its concurrence in this policy, not only by the act under consideration, the avowed object of which was "to provide for the more expeditious completion of the State House," but by appropriating for the prosecution of the work thereon, the sum (believed to be unprecedentedly large for a single year) of one hundred thousand dollars, applicable only, by terms of the appropriation, to the remaining part of the present and the first quarter of the next fiscal year. These enactments speak very clearly as to the general intent of the present General Assembly, but a single circumstance now to be stated will give it still bolder relief. This appropriation was made, not only at a period of universal and unexampled pecuniary embarrassment, affecting necessarily the revenues of the State, but also at a time when, from other causes, its treasury had become so impoverished that it was obliged to make a loan of not less than seven hundred thousand dollars, to meet its current expenditures and obligations. The wisdom of this large appropriation cannot, even under these adverse circumstances, be questioned in view of the urgent considerations (arising mainly from its liability to injury in consequence of its then unfinished condition) which required that the work of completing the structure should be driven forward with the utmost energy and rapidity. But assuredly these same influences must have operated with controlling power to prevent the enactment of any legislation designed to hinder or defeat the application of the money to meet the pressing exigency which alone justified and prompted its appropriation. The General Assembly could not have committed the inconceivable fatuity of setting apart this money to the purpose of prosecuting the work on the State House, and on the same day, and almost by the same breath, intentionally and deliberately annihilating the only mode by which it could be made available to that end—an end just virtually pronounced by itself to be indispensable.

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Other considerations hardly less potent might be invoked in confirmation of this result, but those already stated seem to be entirely decisive. After a most solicitous and thorough deliberation, and with a full appreciation of all the consequences involved, I have been led irresistibly to the conclusion that the act in question is in all its parts and aspects utterly void.

Responding then directly to your inquiry, I have therefore to advise you that the "act to provide for the prosecution of the work on the New State House," &c., passed April 8th, 1856, stands unrepealed, and that you and your associate Commissioners must hereafter, as heretofore, continue to exercise the powers and discharge the duties devolved upon you respectively by that enactment.

Very respectfully,

Your obedient servant,

C. P. WOLCOTT.

WM. A. PLATT, Esq., *Acting Com'r*, Columbus, Ohio.

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REPORT OF THE AUDITOR OF STATE.

AUDITOR OF STATE'S OFFICE,
Columbus, March 10, 1859.

HON. MARTIN WELKER, *President of the Senate:*

In answer to a resolution of the Senate, passed yesterday, asking "whether the claim of H. W. Derby & Co., against the State for books, has been audited and allowed," and "if so, when and under what authority," and "the amount allowed on said claim," I reply:

That the school law of 1853 gives the entire control of the library fund to the School Commissioner, and that the fund has always been subject to the payment of legitimate claims against it, when properly certified by that officer. This appears to be eminently necessary, as well from the nature of the fund as from the law itself, and the precedent upon which I have uniformly acted, was established prior to my accession to office.

The claim about which inquiry is now made, originated under the administration of H. H. Barney, Esq., as School Commissioner. From an investigation of the claim, I found that when Mr. Barney retired from office, he left the State indebted to Derby & Co., in the sum of $9,104 76—a part of which, $1,760 78, (as will be seen by reference to "Detailed Statement" of 1857, page 183), was paid in March and April of that year, from the proceeds of the delinquent library tax of 1855, and the whole amount of the claim would have been heretofore discharged, but for the want of a fund from which it could have been properly paid.

The Legislature having, in 1856 and 1857, suspended the operation of the library tax, and there being a strong probability of its repeal, Derby

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& Co. brought their claim before the Legislature then in session, without succeeding in procuring action upon it. In the meantime, the library levy was revived and proceeds therefrom were being paid into the Treasury, and having no knowledge, official or otherwise, of the pendency of the claim before the Legislature at this time, I deemed it but an act of common justice to delay no longer the payment of a claim which had been duly and officially authenticated and endorsed by competent authority, and thereupon, on the 24th day of February last, I drew my warrant upon the Treasury in favor of H. W. Derby & Co., for $7,343 98, the amount in full, without interest of the balance due them.

During the long pendency of this claim, I had heard insinuations and whispers that it was a trumped and fraudulent one. To guard against any possible imposition in the matter, before the auditing and payment of it in addition to the usual certificate of the School Commissioner appended to the bill as pesented, I required his affidavit of its correctness, as well as that of Mr. H. W. Derby to the same effect. Originals of these affidavits I herewith transmit.

Very respectfully,

F. M. WRIGHT, *Auditor.*

State of Ohio, Hamilton county, ss:

Personally appeared before me, J. W. Ward, Notary Public for said county, H. H. Barney, who being duly sworn, deposes and says: That all the bills for books for the public school libraries of the State of Ohio, presented by H. W. Derby, and certified to by the said H. H. Barney, as Commissioner of Common Schools of said State, whether paid or unpaid, have been rendered to the Auditor of State, and put on file in his office, and that the several items as charged in said bills were ordered by him as directed by law, and duly delivered to the proper officers by the said H. W. Derby, as appears by their receipts.

H. H. BARNEY.

Was sworn to and subscribed by the said affiant before me, this 23d day of February, 1859.

[SEAL.] JAMES W. WARD, *Notary Public.*

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The State of Ohio, Franklin county, ss:

H. W. Derby being duly sworn before the undersigned Notary Public, for the county aforesaid, deposes and says: That all the bills made by him against the State of Ohio, by H. H. Barney, late Commissioner of Common Schools of said State, paid and unpaid, have been presented and filed in the office of the Auditor of State, and that the several items as charged in the bills presented this day, have been delivered as directed by said H. H. Barney, Commissioner, as aforesaid.

H. W. DERBY.

Sworn to and subscribed before me this 22d day of February, 1859.

[SEAL.] JAS. WILLIAMS, *Notary Public.*

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MAJORITY REPORT

OF THE

COMMITTEE ON NEW COUNTIES,

ON HOUSE BILL NO. 146.

The standing committee on New Counties, to whom was referred House bill No. 146, have had the same under consideration, and a majority of the members of said committee now report thereon as follows:

The county seat of Perry county was established at the town of Somerset in the year 1818. In 1851, a vote of the people of said county was had upon the question of its removal to the town of New Lexington, and resulted in favor of removal by a majority of 292 votes. In 1853, there was a re-submission of the question to the people, the result of which was a large majority in favor of Somerset; but owing to the extensive frauds practiced, the result of this vote was not at all decisive of the relative strength of the opposing interests, and the act of the Legislature under which the vote was taken, has since been declared unconstitutional by the supreme court. Both Somerset and New Lexington are provided with the necessary county buildings, toward the erection of which, in their respective towns, the citizens of both places contributed liberal donations.

New Lexington is between three and four miles nearer to the geographical center of the county than Somerset. The population of the latter is about 1,800—of the former, about 1,000.

In reference to the county seat question, Perry county is divided by townships as follows: The four northern townships, Reading, Thorn, Hopewell, and Madison, are unanimously in favor of Somerset. The five southern townships, Pike, Bearfield, Monroe, Harrison, and Pleasant,

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are very nearly unanimous in favor of New Lexington. The four middle townships, Clayton, Jackson, Monday Creek, and Saltlick, are divided between the two interests—the New Lexington interest, however, predominating.

The four northern townships pay nearly as large an amount of taxes as the nine southern and middle, while in 1853, according to the report of the State Board of Equalization, the value of lands and town lots in the former, exceeded the value of the same species of property in the latter by about $20,000.

New Lexington has a railroad now in operation—while Somerset has one in course of construction, and is situated on the Maysville and Zanesville turnpike.

It is claimed by those in the Somerset interest, that the vote by which the county seat was removed to New Lexington was fraudulent, and that in view of its removal by such means, the fact that it is now established there ought not to prejudice their present effort to regain what they have thus lost; in which view of the matter the undersigned fully concur.

Relative to the question of fraud, we find that between the time of the State election in 1850, and of the county seat election in 1851, the township of Pleasant was created, the entire territory thereof being taken from the townships of Pike, Bearfield, Monroe, and Saltlick—that from the year 1846 to the year 1850, both inclusive, said four last named townships had not at any election polled a vote exceeding in the aggregate 963—that at the State election in 1850, the total vote of said townships was as follows: Pike, 334; Saltlick, 186; Bearfield, 190; Monroe, 168—total vote of four townships, 878.

At the county seat election in 1851, the vote of the same townships, including the vote of Pleasant, was as follows:—

Pike,	400	gain over vote of 1850	66
Saltlick,	303	" " " "	117
Bearfield,	203	" " " "	13
Monroe,	252	" " " "	84
Pleasant,	172	" " " "	172
Total vote,	1,330	Total gain	452

The gain at this election in the above last named townships over the largest vote ever before given, being the vote of 1848, was 367.

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Believing as we do, in view of the *peculiar circumstances of their case*, that the prayer of those who have petitioned for the passage of the bill, should be granted, if they represent a majority of the legal voters of Perry county, or even if there is a reasonable doubt as to which of the opposing interests is the stronger, we proceed to give the result of our investigations in that direction:

The whole number of names appearing on the petitions, is..... 1,924
Whole number on remonstrances..... 2,202

There having been no evidence to the contrary before the committee, we are bound to believe that the petitioners are all legal voters of Perry county. In reference to the remonstrances, we have not been able to arrive at the same conclusion, but on the contrary, are satisfied that a large deduction should be made from the number of names appearing on them.

According to the enumeration in 1855, the whole number of white male *inhabitants* in the county over the age of 21 years, was 3,942; whole number of votes cast at Presidential election in the year 1844, 3,803; votes cast at Presidential election in 1856, 3,725. Assuming that there are in the county 4,000 legal voters, which is a higher estimate than the data in possession of the committee will warrant, and deducting from that number the 1,924 petitioners, and there will remain only 2,076 legal voters in the county, or 126 less than there are names on the remonstrances.

We find further from certified lists in our possession, of the correctness of which we are satisfied, that there are on the poll books of the nine southern and middle townships for the year 1858, the names of 255 legal voters whose names are not on any of the petitions or remonstrances, which number taken from 2,076 would leave only 1,821 legal remonstrators.

Without prosecuting the inquiry further, it might well be claimed that justice to Somerset requires the passage of the bill.

But there is still further reason to believe that the remonstrances are not reliable, and that the number of names on them is largely in excess of the number of legal voters thereby represented.

A list in our possession, certified to by nine or ten persons whom we are assured are reliable men, and which list we believe to be substan-

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tially correct, shows that of the names that appear on the remonstrances, 643 are not to be found on the poll books of said county for the year 1858. A list of 628 names taken from the old remonstrances, and similarly certified, was also in evidence before the committee. It was claimed before the committee that the two lists just referred to, have been carefully compared, and that such comparison shows only 126 corresponding names. Not deeming it necessary, in our view of the case, to make the comparison, we omitted it.

Of the 2,258 names signed to the old remonstrances—which on account of informalities were abandoned—the clerks of the proper townships certify that 140 were not on the remonstrances when certified by them, and that they were not legal voters. Of these 140 names, about 20 are now on the new remonstrances. Of the persons whose names are on the new remonstrances, five have denied, either by certificate or affidavit, that they ever signed, or authorized the signing of their names thereto.

The largest vote that has ever been polled, at any other than a county seat election, in the nine southern and middle townships, was at the Presidential election in 1856—the aggregate vote at that election being 2,234. All of the remonstrators, and 313 of the petitioners purport to reside in these townships. Adding to the 313 petitioners, the 255 legal voters whose names are upon the poll books of these same townships, and not upon either the petitions or remonstrances, and deducting the whole number from the total vote of 1856, just referred to, would leave only 1,666 legal remonstrators—assuming said vote to be a fair criterion of the present number of legal voters resident in said nine townships. It will be observed, that we have not here taken any notice of the 643 names alleged to be on the remonstrances, and not to be found on the poll books for 1858.

It certainly can not be denied that the number of votes polled in 1856, is a reasonable approximation to the present number of legal voters in the same territory.

Assuming that the remonstrances are all right, and we have the following as the number of legal voters in the townships referred to:

Remonstrators	2,202
Petitioners	313
Legal voters not on petitions or remonstrances	255
Total	2,770

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Believing, as we do, that a larger number of the legal voters of Perry county have signed the petitions than the remonstrances—and considering this a case in which the will of the majority should prevail—we report back House Bill No. 146 without amendment, and recommend its passage.

P. MURDOCK,
WILLIAM SLADE, Jr.,
W. P. REID,
JOSEPH C. McCLEARY,
C. H. GATCH,
D. J. PERKY.

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SPECIAL MESSAGE FROM THE GOVERNOR,

RELATIVE TO THE COLLECTION OF PUBLIC ARMS.

STATE OF OHIO, EXECUTIVE DEPARTMENT,
COLUMBUS, April 2, 1859.

To the General Assembly:

A joint resolution adopted on the 17th of April, 1857, authorized the executive to collect the public arms and equipments in the several counties, not in the hands of regularly organized volunteer companies; to cause the same to be sold in the counties where found, or to be transported to the State Arsenal; and, after defraying existing charges and the expenses of collection and transportation, to pay the balance arising from the sales into the State Treasury.

Under that resolution, I employed three persons to visit a few designated counties and make collection of the arms found within them. The result of this mode of collection did not prove satisfactory, and it was soon abandoned. I then appointed David L. Wood, then engineer-in-chief of the State Volunteers, my general agent for collection, and instructed him to visit all the counties in which he could learn that any arms were to be found, and, having made thorough investigation, to collect all not in the hands of organized companies, and sell such as were unfit for service or repair in the counties where found; or, in case that course should seem likely to prove disadvantageous to the State, to send them, together with all such as might be in condition for use, or worth repair, to the State Arsenal at Columbus. The agent was also instructed to make reports from time to time of his proceedings, giving an accurate account of the number and value of arms and equipments sold or sent to the Arsenal, of charges defrayed, of expenses incurred, and of any other matters deemed important to the service.

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The faithful execution of these instructions required much labor protracted through a considerable period, but the work has been at length substantially accomplished.

At the commencement of your present adjourned session it was indeed supposed to be completed, so far as it could be prosecuted with proper economy by the executive, and in my message then addressed to you, I suggested a mode in which the few scattered arms, unfit for service, which yet remain in the several counties might be, in my judgment, best collected.

Information was afterwards received from the agent for collection that some parcels of arms, directed to be forwarded to this city by sheriffs and military officers, had not as yet reached the Arsenal. These arms, of course, when received will be disposed of, as arms of similar description have already been, under the joint resolution, and the proceeds will be applied as directed by your act recently passed.

In the mean time, regarding the collection under the resolution as substantially completed, I think it proper to submit to you a clear exhibit of the steps taken in execution of the legislative will, and of the results. These will appear fully upon examination of the several statements herewith transmitted, marked A., B., C., and D.

The general result shows a saving to the State of $23,991 25—say twenty-four thousand dollars—in valuable arms and proceeds of sales, which doubtless would have been almost if not wholly lost had the collection not been made, or had it been long postponed.

Many of the arms collected have been already re-issued to companies; the residue, with the exception of a few muskets and pistols under contract for repair, are in the Arsenal in good order and ready for distribution and service.

The net cash proceeds of sales, as may be seen by statements B., C., and D., was $5,524 00, which sum has been certified into the State Treasury, and will be disbursed in the purchase of a site and in the construction of a building for a State Arsenal, as directed by the present General Assembly.

The statement A. not merely shows the results of the collections and sales in the counties in detail, but also presents a clear tabular view of the military organization of the State, exhibiting the division and brigade

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districts, and the names of the general officers elected and commissioned in each.

With a suitable Arsenal for the safe-keeping of the public arms; with a judicious system of future distribution and accountability, and with the organization now begun developed and perfected, it may be justly expected that the volunteer organization of the State will secure an efficient military force, amply sufficient for every exigency of police or defence.

But one copy of the statements A., B., C. and D. having been prepared, they are sent to the Senate.

S. P. CHASE.

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OFFIC IN THE COUNTIES.

LUNTEER												
											Cash rec'd.	REMARKS.
Carriage Boxes.	Bayonet Scabbards.	Waist.	Dollars.	Cents.								
												Reported by Neeramer—Brass Gun sent to Madison county.

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B.

STATEMENT OF SALES OF ARMS UNFIT FOR SERVICE.

Amount received from Sales of Arms in Counties.

Counties.	Amount.	Counties.	Amount.
Allen	$41 50	Marion	$23 00
Ashtabula	144 12	Medina	65 70
Belmont	50 50	Miami	141 78
Carroll	45 00	Montgomery	43 87
Columbiana	58 50	Morrow	41 40
Coshocton	46 75	Muskingum	224 00
Delaware	78 88	Perry	124 57
Erie	187 65	Portage	298 95
Fairfield	281 00	Sandusky	294 14
Geauga	53 00	Stark	36 00
Hardin	10 00	Summit	25 00
Harrison	92 00	Tuscarawas	17 67
Hocking	16 00	Washington	82 50
Knox	85 60	Wayne	218 36
Licking	55 75	Wood	62 35
Lorain	118 25	Wyandot	17 00
Lucas	6 25		
Total			$3,087 04

Amount received from Sales of Arms at Arsenal.

Date.	On what account.	Amount.
1857.		
May 27	To cash received from sale at Arsenal	$1,267 82
June 24	" " " "	100 00
Aug. 4	" " " "	59 50
Oct. 23	" " " "	1,102 82
1858.		
April 21	" per check on N. Y. "	1,500 00
April 21	" premium of exchange on above	7 50
July 13	" interest on deposit at 5 per ct.	114 57
July 21	" proceeds of sale at Arsenal	150 00
July 21	" " "	120 00
Nov. 6	" "	42 50
1859.		
Jan. 14	" " "	1,445 00
Jan. 25	" interest on deposit at 5 per cent.	108 40
	Total	$6,018 11

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C.

Statement of Expenses Incurred.

Date.	On what account.	Amount.	Total.
1857.			
July 31	J. F. Neeramer, for transportation of arms, &c.	$53 61	
Aug. 3	Alex. E. Glenn, transportation	11 74	
" 4	J. F. Neeramer, services and expenses	106 12	
" 8	H. Armstrong, on account for expenses	25 00	
" 18	C. W. Smith, freight bill	2 35	
" 24	J. Patterson, freight and drayage	9 89	
" 24	C. W. Smith, " "	4 94	
Sept. 15	J. F. Neeramer, freight bill	10 50	
Sept. 28	J. F. Neeramer, freight and drayage	3 90	
Oct. 15	H. Armstrong, balance for services	26 00	
Oct. 16	D. L. Wood, on account for expenses	50 00	
Nov. 4	J. Patterson, freight and drayage	4 05	
Nov 6	" " "	10 90	
Nov. 18	Capt. H. Kennett, expenses of re-shipment	23 50	
Dec. 5	J. F. Neeramer, freight and drayage	2 75	
Dec. 5	" " "	11 24	
Dec. 21	J. Patterson, " "	1 71	
1858.			
Jan. 5	" " "	28 36	
Jan. 22	H. Armstrong, services and expenses	40 15	
Jan. 22	J. Patterson, freight and drayage	35 80	460 51
	Allowed Col. D. L. Wood, General Agent, expenses, &c., as per bill of Nov. 4, 1857	45 47	
	Allowed Col. D. L. Wood, expenses &c. as per bill of Dec. 14, 1857	249 40	
	Allowed Col. D. L. Wood, as per bill of Jan. 18, 1858, deducting $50 advanced Oct. 16, 1857.	201 80	
	Allowed Col. D. L. Wood, for services, on settlement Jan, 18, 1858	207 00	
	Allowed errors in footings	14	705 81
	Expenses of A. B. Newburgh, defrayed by sales in Delaware and Marion counties	101 88	
	Expenses of H. Armstrong, defrayed by sales in Wyandot, Hardin and Wood counties	89 35	191 23
Feb. 27	Joseph Robinson, freight and drayage	16 64	
March 8	James Patterson, " "	9 05	
" 20	J. F. Neeramer, bills for transportation of arms.	12 46	
April 29	J. F. Neeramer, bills of freight, &c., on arms.	26 23	
May 5	J. F. Neeramer bills of freight and drayage on arms	42 83	
June 26	J. F. Neeramer, bills of freight and drayage on arms	43 57	
Sept. 13	J. F. Neeramer, freight on arms	3 50	
Nov. 11	J. F. Neeramer, bills freight and drayage	69 53	
Dec. 9	J. F. Neeramer, bills transportation of arms, &c.	53 90	277 71

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Statement of Expenses Incurred—Continued.

Date.	On what account.	Amount.	Total.
	Allowed D. L. Wood, General Agent, for expenses and services in collecting public arms, per bill Feb. 22, 1858	$127 05	
	Allowed D. L. Wood, expenses, &c., per bill March 16, 1858	240 85	
	Allowed D. L. Wood expenses, &c., per bill May 1, 1858	287 96	
	Allowed D. L. Wood expenses, &c., per bill June 1, 1858	232 05	
	Allowed D. L. Wood expenses, &c., per bill June 28, 1858	283 33	
	Allowed D. L. Wood expenses, &c., per bill Nov. 5, 1858	496 52	
	Allowed D. L. Wood expenses, &c., per bill Nov. 18, 1858	77 00	$1,744 76
	Allowed bills for storage in Fairfield and Muskingum counties	160 00	
	Allowed bill for storage at Newark, per bill of March 15, 1858	5 00	
	Allowed bill for storage in Morrow county, per bill Sept. 1, 1858	15 00	180 00
	Amount paid H. Ford for collecting arms in Geauga county		23 00
	Allowed errors in footings		03
			$3,583 05
	Deduct amount refunded by Neeramer, overpaid for freight January 26, 1858		1 90
	Total expenses		$3,581 15

D.

Statement showing the quantity and value of Arms collected and remaining in the Arsenal, and of Arms re-issued to Companies after collection.

ARMS FIT FOR REPAIR.

400 Muskets at $10 each	$4,000 00
100 Rifles at $10 each	1,000 00
200 Pistols at $5 each	1,000 00
Total fit for repair	$6,000 00

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ARMS FIT FOR SERVICE.

3 Brass cannon, 6 pd'rs, at $500 each	$1,500 00
2 Six pd'r carriages extra, at $200 each	400 00
1 Caisson, at $200	200 00
8 Harness, at $200 for the lot	200 00
11 Muskets at $10 each	110 00
56 Rifles " "	560 00
52 Carbines " "	520 00
7 Revolvers at $20 each	140 00
200 Holsters at $1 50 each	300 00
25 Holster covers at 25c. each	6 25
156 Cap pouches at 10c. each	15 60
902 Cartridge boxes at 75c. each	676 50
1,174 Cartridge belts at 25c. each	293 50
400 Bayonet scabbards at 40c. each	160 00
110 Powder flasks at $1 each	110 00
100 Cavalry sabres at $5 each	500 00
3 Artillery sabres at $2 each	6 00
14 Non-commissioned officers' sabres at $4 each	56 00
Total	$5,753 85

ARMS RE-ISSUED.

1 Twelve-pd'r brass cannon at $1,000	$1,000 00
2 Six-pd'r " " $500 each	1,000 00
1 Caisson at $200	200 00
12 Harness at $300 for the lot	300 00
100 Muskets and equipments at $15 each	1,500 00
40 Rifles and equipments at $12 each	480 00
19 Revolvers at $20 each	380 00
12 Artillery swords at $4 each	48 00
20 Carbines and equipments at $18 each	360 00
1 Cavalry sword at $5	5 00
5 Pair holsters at 75c. each	3 75
Total re-issue	$5,276 75

The foregoing statement is based upon an appraisement made by the Quarter Master General and the Engineer-in-Chief on the 17th day of November, 1858. A contract was afterwards made for the delivery at the Arsenal of 467 new muskets in exchange for 367 old muskets and 100 old rifles, included in the above statement of arms fit for repair, and valued at $10 each. The cost of the exchange to the State was 75 cents per arm, and the new arms are worth $13 each.

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A contract was also made for the repair of 33 muskets and 200 pistols at 70 cents each. When repaired the muskets will be worth $13 each, and the pistols $7 25 each.

The arms fit for repair were appraised, as above stated, at $6,000. This sum should of course be increased by the difference between that estimate and their actual value after repairs, after deducting the cost of such repairs. This difference is $1,436 65, making the true value of arms fit for repair, $7,436 65.

RECAPITULATION.

Total value of arms fit for repair		$7,436 65
" " " service		5,753 85
" " re-issued		5,276 75
Total		$18,467 25

The general result of collections has been as follows up to April 2, 1858:

Total value of arms collected and not sold		$18,467 25
Total proceeds of sales in counties	$3,087 04	
" " " at Arsenal	6,018 11	
	$9,105 15	
Deduct expenses of collecting, per statement C	3,581 15	$5,524 00
Net value of arms collected		$23,981 25

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ABSTRACT OF VOTES FOR ATTORNEY GENERAL.

Counties.	Christopher P. Wolcott.	Durbin Ward.	Scattering.
Adams	1,165	1,212	.....
Allen	1,425	1,520	.....
Ashland	1,678	1,850	.....
Ashtabula	3,413	860	.....
Athens	2,102	1,220	142
Auglaize	804	1,553	.....
Belmont	2,716	2,530	.....
Brown	1,553	2,391	.....
Butler	2,549	3,713	.....
Carroll	1,577	1,239	.....
Champaign	1,663	1,255	.....
Clark	2,110	1,174	.....
Clermont	2,397	2,407	.....
Clinton	1,807	1,079	.....
Columbiana	3,070	2,075	.....
Coshocton	2,058	2,372	.....
Crawford	1,518	2,135	.....
Cuyahoga	5,090	3,713	.....
Darke	2,204	2,179	.....
Defiance	828	1,009	.....
Delaware	1,941	1,458	.....
Erie	1,976	1,383	.....
Fairfield	1,718	2,979	.....
Fayette	1,219	798	.....
Franklin	3,848	4,259	1
Fulton	1,186	851	.....
Gallia	1,509	1,362	.....
Geauga	1,864	532	.....
Greene	2,460	1,100	.....
Guernsey	2,113	1,754	.....
Hamilton	15,293	14,163	.....
Hancock	1,823	2,020	.....
Hardin	1,017	809	.....
Harrison	1,927	1,338	.....
Henry	525	701	.....
Highland	1,782	1,857	.....
Hocking	1,098	1,405	.....
Holmes	1,247	1,883	.....
Huron	2,997	1,505	.....
Jackson	1,211	1,003	.....
Jefferson	2,380	1,927	.....
Knox	2,715	2,296	.....
Lake	1,725	461	.....
Lawrence	1,391	1,148	.....
Licking	3,146	3,500	.....
Logan	1,719	1,212	.....

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ABSTRACT OF VOTES FOR ATTORNEY GENERAL—Continued.

Counties.	Christopher P. Wolcott.	Durbin Ward.	Scattering.
Lorain	2,793	1,310	.....
Lucas	1,775	1,568	.....
Madison	1,092	711	.....
Mahoning	2,271	2,029	.....
Marion	1,337	1,244	.....
Medina	2,141	1,424	.....
Meigs	1,925	1,373	.....
Mercer	649	1,156	.....
Miami	2,950	1,880	.....
Montgomery	4,647	4,643	.....
Monroe	908	2,141	.....
Morgan	1,928	1,423	.....
Morrow	1,858	1,618	.....
Muskingum	3,498	3,239	.....
Noble	1,367	1,055	.....
Ottawa	329	574	.....
Paulding	466	236	.....
Perry	1,468	1,673	.....
Pickaway	1,822	2,120	.....
Pike	706	1,137	.....
Portage	2,595	1,973	.....
Preble	2,469	1,640	.....
Putnam	765	993	.....
Richland	2,466	2,718	.....
Ross	2,679	2,710	.....
Sandusky	1,237	1,555	.....
Scioto	1,812	1,560	.....
Seneca	2,237	2,275	.....
Shelby	1,383	1,378	.....
Stark	3,086	3,285	.....
Summit	2,741	1,730	.....
Trumbull	3,098	1,623	.....
Tuscarawas	2,744	2,610	.....
Union	1,142	897	.....
Van Wert	720	772	.....
Vinton	1,044	1,147	.....
Warren	2,400	1,493	.....
Washington	2,382	2,156	.....
Wayne	2,779	2,827	.....
Williams	1,089	993	.....
Wood	1,365	931	.....
Wyandot	1,301	1,127	.....
Total	182,921	162,137	143

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SPECIAL MESSAGE FROM THE GOVERNOR.

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, Feb. 8, 1859.

To the General Assembly:

The Governor of New York, in compliance with the request of the Legislature of that State, has transmitted to me, as Governor of one of the States adjacent to the lakes, or interested in their commerce and navigation, a copy of a memorial addressed by the Canal Board and Canal Commissioners of New York, with the sanction of the Legislature, to the Congress of the United States, asking for the improvement of the lake harbors. One copy only of these documents having been received, it is sent to the House of Representatives.

The subject of this application to the Federal Congress, is one in which the people of Ohio have a deep interest, and I therefore only fulfill a plain duty, while submitting to your consideration the memorial and the resolutions by which it is sustained, in recommending the general object sought to be obtained to your approval and support.

The arguments by which the claim of New York to be reimbursed the sums expended in the improvement of the harbors of Buffalo and Oswego are as cogent as the statements by which the importance of the lines of canal which receive at these points the vast commerce of the districts bordering upon the lakes is exhibited and illustrated, are clear and striking. The same arguments enforce the duty of the General Government to improve the harbors in which the canals of Ohio unite their waters with those of Lake Erie, and to provide otherwise as fully and completely for the security of commerce upon the Great Lakes as for that of commerce upon the ocean.

In connection with this subject, permit me to suggest to you the expediency or rather the duty of making an earnest appeal to Congress for the discharge of its long neglected duty in respect to the navigation of the great rivers of the interior. The settlement of the States northwest of the Ohio was made under a pledge given by Congress in the Ordi-

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nance of 1787, that the navigable waters leading to the Mississippi and the St. Lawrence should be "forever free" "without any tax, import or duty therefor." How this pledge has been regarded may be seen in the fact that the General Government, instead of removing, by proper appropriations from the Federal Treasury, the great obstructions to the safe and free navigation of the Ohio created by the falls at Louisville, became corporators in a joint stock company for the construction of a canal at that point, by which the navigation of the river for a long series of years has been so heavily taxed that the amounts paid in tolls by citizens engaged in commerce and navigation would more than defray the total cost of the improvements which ought to have been made without "tax, import or duty"—and yet the navigation is not free.

I cannot but think that the General Assembly will perform an acceptable service to the people of the State, by uniting with the Legislature of New York in an earnest and urgent appeal to the Congress of the United States in behalf of the harbors of the lakes, and not only of these, but of the great navigable rivers which bear the commerce of the vast interior to the lakes and to the ocean.

S. P. CHASE.

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SPECIAL REPORT

OF THE

BOARD OF PUBLIC WORKS.

COLUMBUS, February 25, 1859.

To the President of the Senate:

SIR:—In answer to the following resolution, passed by the Senate February 21, 1859:

"*Resolved*, That the Board of Public Works be requested to furnish the Senate with a detailed statement of all expenditures on Public Works during the year ending November 15, 1858, stating separately such items or repairs as the contractors according to the terms of the contract of November, 1855, were bound to perform. Also, how much Cooper, Shaddinger & Co. have actually expended upon section number three for the year ending November 15, 1858, at the time the Board took possession of said section;"

The Board of Public Works respectfully report:

To comply fully with the resolution would require a copy of all of the accounts of superintendents of repairs for the year, and also of detailed statement of payments to engineers and others. These accounts are very voluminous, and it is presumed that the objects of the Senate will be attained by the transmission of the following general classification of expenditures, giving the different accounts on which money has been paid, and designating payments made for items of a kind not included in the contracts for keeping the public works in repair.

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SOUTHERN DIVISION MIAMI AND ERIE CANAL.

For superintendence and repairs such as the contracts for repairs included		$101,396 49

ITEMS NOT INCLUDED IN CONTRACT FOR REPAIRS.

For repairs under contract previous to Nov. 15, 1855	$8,274 17	
For enlarging canal below Dayton	1,272 08	
For balance due Nov. 15, 1855, on unsettled accounts for superintendence and repairs	384 14	
For engineers' salaries	1,500 00	
For special superintendence, attorneys' fees, and incidentals	1,481 73	
For award by the Board of Public Works	252 00	
For awards of damages	350 00	
For claims found due and settled by the Board of Public Works	488 83	
For lands in the original Lewistown Reservoir, and for expenses pertaining to their condemnation and appraisement	3,790 00	17,797 95
		$119,194 44

NORTHERN DIVISION MIAMI AND ERIE CANAL.

For superintendence and repairs such as the contracts for repairs included		$21,387 16

ITEMS NOT INCLUDED IN CONTRACTS FOR REPAIRS.

For building tumble at Maumee City	$1,300 00	
For building tumble and waste weir at Six Mile Reserv'r	2,377 45	
For engineers' salaries	1,561 66	
For special superintendence, atty's' fees and incidentals	445 82	$5,684 93
		$27,072 09

WESTERN RESERVE AND MAUMEE ROAD.

For superintendence and repairs such as the contracts for repairs included	$6,450 52

NORTHERN DIVISION OHIO CANAL.

For superintendence and repairs such as the contract for repairs included	$63,190 44

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ITEMS NOT INCLUDED IN CONTRACTS FOR REPAIRS.

For rebuilding Yellow Creek and Little Cuyahoga feeder dam	$783 37	
For Engineers' salaries	1,687 50	
For special superintendence, atty's fees and incidentals	1,210 70	
For awards by Board of Public Works	75 85	$3,757 42
		$66,947 86

SOUTHERN DIVISION OF OHIO CANAL.

For superintendence and repairs, such as the contracts for repairs included	$72,645 74

ITEMS NOT INCLUDED IN CONTRACTS FOR REPAIRS.

For awards of damages	442 00	
For Engineers' salaries	1,875 00	
For special superintendence, atty's fees and incidentals	1,477 45	
For canal ferriage at Portsmouth	750 00	
For work on canal basin at old Penit'ry lot in Columbus	5 00	
For award of Board of Public Works	1,018 15	$5,567 60
		$78,213 34

HOCKING CANAL.

For superintendence and repairs, such as the contract for repairs included	$23,289 51

ITEMS NOT INCLUDED IN CONTRACTS FOR REPAIRS.

For award of damages	$261 00	
For special superintendence, atty's fees and incidentals	406 03	
For rebuilding bulk head at Sharp's dam	1,493 50	
For Engineers' salaries	437 50	$2,598 03
		$25,887 54

MUSKINGUM IMPROVEMENT.

For superintendence and repairs, such as the contracts for repairs included	$20,492 31

ITEMS NOT INCLUDED IN CONTRACTS EOR REPAIRS.

For special superintendence, atty's fees and incidentals	$72 88	
For salaries of Engineers	1,437 50	$1,510 38
		$22,002 69

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WALHONDING CANAL.

For superintendence and repairs, such as were included in contracts for repairs		$478 54

OFFICE OF BOARD OF PUBLIC WORKS.

For salaries of members of the Board	$4,500 00	
For incidental expenses of the office	2,531 11	
		$7,031 11

RECAPITULATION.

Items covered by contracts for repairs:	
Southern Division of Miami and Erie Canal	$101,396 49
Northern " "	21,387 16
Western Reserve and Maumee Road	6,450 52
Northern Division Ohio Canal	63,190 44
Southern " "	72,645 74
Hocking Canal	23,289 51
Muskingum Improvement	20,492 31
Walhonding Canal	478 54
	$309,330 71

ITEMS NOT INCLUDED IN CONTRACTS FOR REPAIRS.

Southern Division Miami and Erie Canal	$17,797 95	
Northern " "	5,684 93	
Northern Division Ohio Canal	3,757 42	
Southern " "	5,567 60	
Hocking Canal	2,598 03	
Muskingum Improvement	1,510 38	
For office Board of Public Works	7,031 11	$43,947 42
		$353,278 13

The Board has no means of ascertaining how much Cooper, Shadinger & Co. had expended on section number three, in the year ending Nov. 15, 1858. They were paid their contract price for keeping the section in repair up to May 1st, 1858, but how much of the money they received was paid on the work, is not within the knowledge of the Board.

By order of the Board,

JOHN WADDLE, *President.*

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REPORT OF E. M. COLESTOCK AND A. P. STONE,

RELATIVE TO THE SINKING FUND.

To his Excellency, S. P. CHASE, *Governor of the State of Ohio:*

SIR:—By your appointment and authority of the 20th section of an act to define the powers and prescribe the duties of the Board of Commissioners of the Sinking Fund, passed April 12, 1858, the undersigned have made a thorough and careful and particular inspection and examination of the books, papers, accounts, records, vouchers, and business of the Board of Commissioners of the Sinking Fund, and have the honor to submit to your Excellency the following report:

The examination covers a period of eight months, from June 1st, 1858, to Feb. 1st, 1859. We did not deem it necessary to examine further back than the date of the present law governing the Board, as the Legislature had appointed a special Commissioner for that purpose.

Early in June last, as required by law, the Commissioners proceeded to the city of New York and took possession of all and singular, the books, records, papers, correspondence, certificates engraved or printed or written, paper canceled or not canceled, and all money, property, assets and effects of every description, belonging to the State, which could be found in the possession, custody, control or care of any institution, company, association or person, whether within said city or at any other place, all of which are now in the office of said Board. New stock ledgers were opened both here and in New York, and all the outstanding stocks were transcribed.

We find the debt of the State as follows, viz:

6	per cent.	stocks	payable after Dec. 31,	1860	$6,413,325 27
6	"	"	"	1870	2,183,531 93
6	"	"	"	1875	1,600,000 00
6	"	"	"	1886	2,400,000 00
5	"	"	"	1865	1,025,000 00

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6 per cent. stocks, payable after July 1, 1860	$350,000 00
6 " " March 1, 1861	350,000 00
Total foreign debt drawing interest	$14,321,857 20
6 per cent. Domestic Stocks, payable 1863	275,385 00
Total reducible debt, drawing interest	$14,597,242 20
In addition to the above there is part due and outstanding—having never been presented, and not drawing interest—Faith and Credit Bonds, issued under act of 1856	839 00
Land Bonds " "	926 00
Also of the Foreign Loan, due 1856	6,166 33
Total reducible debt	$14,605,173 53

IRREDUCIBLE DEBT.

Virginia Military School Fund	$157,260 75
Moravian School Fund	3,160 75
Western Reserve School Fund	256,121 26
United States Military School Fund	120,272 12
Section 29 School Fund	66,246 80
" 16 "	1,929,118 05
Ohio University Fund	1,897 89
Total irreducible debt	$2,534,076 95
Add reducible debt	14,605,178 53
Total State debt	$17,139,250 48

The following statement exhibits the receipts and disbursements of the Fund Commissioners, from June 1st, 1858, to February 1st, 1859:

RECEIPTS.

Amount drawn from the Treasury	$882,463 58
" of Temporary Loan	700,000 00
" of Premium on Loan	4,657 54
Total receipts	$1,587,121 12

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DISBURSEMENTS.

Paid interest on Foreign Debt in New York	$790,857 13
" " Columbus	31,817 94
" on Domestic Debt	8,751 00
" on Temporary Loan	680 55
" on Trust Funds	113 84
Paid for redemption of Loan of 1856	3,000 00
Money drawn to pay interest, certified back into State Treasury	38,120 94
Paid expense of printing, engraving, postage, rent in New York, and other contingent expenses	9,122 18
Paid into State Treasury, from proceeds of Temporary Loan, to the credit of Sinking Fund	298,679 85
Temporary Loan, to the credit of General Revenue	405,977 69
Total disbursements	$1,587,121 12

It gives us great pleasure, after a full and thorough examination of the books, papers, &c., of the Fund Commissioners, to say that all the moneys in anywise received, have been disbursed and satisfactorily accounted for; and that the system of keeping the accounts and records recently adopted is most clear and satisfactory—simple, and at the same time exhibiting a clear record of every transaction.

There is a single addition to the accounts which we would suggest. The Sinking Fund is placed by law more exclusively under their supervision than that of any of the other departments, and their books should at all times show the exact state of this fund. The practice now is to credit up at longer or shorter intervals, as is most convenient, the amount paid into this fund, and they are obliged to call on the Auditor or Treasurer for the amount.

The Auditor, or we think more properly the Treasurer, should be required to notify the Commissioners of every payment into the Treasury on account of Sinking Fund. Entries should be made on the books of each separate payment. They would then have the exact condition of this fund at all times before them.

Respectfully submitted,

(Signed) EPHRIAM M. COLESTOCK,
Special Examiner.
A. P. STONE, Treasurer.

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SPECIAL MESSAGE FROM THE GOVERNOR.

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, April 2, 1859.

To the General Assembly:

The Constitution vests in the Executive, without limitation, except as to the mode of application, and except, also, for treason and convictions for impeachment, the power to grant pardons, reprieves and commutations, and to annex to such grants whatever conditions he may see proper; requiring him, however, to communicate to the General Assembly, at every regular session, a succinct statement of each case in which the power may have been exercised, with his reasons for the exercise of it.

In obedience to this provision of the Constitution, I communicated to you, at your session in 1858, a full statement of the pardons, reprieves and commutations granted prior to its commencement, with the reasons for my action in each case.

No further report to the present General Assembly is probably required by the Constitution; but it certainly may be made with propriety, and it seems highly expedient that whenever an adjourned session may be held that a second report should be made before the final adjournment, of the cases in which this delicate and responsible power has been invoked and exercised during the preceding year, in order that full and early information of the action of the Executive in this regard may be laid before the people.

I therefore transmit herewith such a report. It will be seen that the whole number of pardons for crimes punishable by imprisonment in the Penitentiary from the 14th day of January, 1858, to the 1st day of January, 1859, was thirty-three; that one sentence of death was commuted to imprisonment in the Penitentiary for life; that the execution of one sentence of death was postponed for about three months by reprieve, and that two pardons have been granted for police offences.

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A copy of the Executive Rules and of the constitutional and statutory provisions relating to pardons is appended to the report. These rules and provisions have been printed for general information, and it is much to be desired that all persons proposing to apply for Executive interposition should make themselves acquainted with them, and that all applications should be made in conformity with their requirements.

But one copy of the report and of the appended rules and provisions regulating Executive action having been prepared, it is sent to the Senate.

S. P. CHASE.

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REPORT

OF

PARDONS, REPRIEVES AND COMMUTATIONS,

FROM 14TH OF JANUARY, 1858, TO 1ST OF JANUARY, 1859; TOGETHER WITH THE EXECUTIVE RULES AND CONSTITUTIONAL AND STATUTORY PROVISIONS REGULATING APPLICATIONS FOR PARDON.

WILLIAM NEAVE,

For manslaughter, was sentenced at the January term, 1856, by the court of common pleas of Hamilton county, to imprisonment in the penitentiary for three years, and was pardoned January 14, 1858.

The prisoner, before conviction, had sustained a good character, had made no attempt to escape after the homicide, but had delivered himself up voluntarily, claiming the justification of self-defence. The affidavits of two witnesses, whose attendance had not been obtained upon the trial, showed strong circumstances of extenuation in threats made by the deceased against the life of the prisoner. Under these circumstances, many highly respectable citizens, supported by the recommendations of the judge, the prosecuting attorney and the assistant prosecuting attorney at the time of trial, urged a pardon, which, after the expiration of near two years of his sentence, it seemed proper to grant.

WILLIAM SCOTT,

For robbery, was sentenced at the June term, 1854, by the court of common pleas of Hamilton county, to imprisonment in the penitentiary for five years, and was pardoned February 3d, 1858.

A pardon was granted in this case because the statements of the judge

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and prosecuting attorney showed that the only testimony against him on the trial was that of a degraded woman who accused him of robbing her; because there was reasonable ground to believe that he might be innocent, and because his conduct in the prison had been such as to convince the chaplain and others, whose opportunities of observation had been good, that he was wrongly imprisoned. Having been confined over three and a half years out of five, for which he was sentenced, his release, under these circumstances, was obviously a duty.

JAMES S. EAGER,

For passing counterfeit money, was sentenced at the July term, 1856, by the court of common pleas of Williams county, to imprisonment in the penitentiary for three years, and was pardoned on the 4th of February, 1858.

He plead guilty; the crime was his first; he gave much information concerning an organized band of counterfeiters in and near the county; his conduct and connections warranted confident hope that he would sincerely and successfully endeavor to become a useful citizen. His pardon was recommended by the judge, the prosecuting attorney, the prosecuting witness, several of the county officers, and many respectable and prominent citizens.

WALTER T. WATKINS,

For passing counterfeit money, was sentenced at the July term, 1856, by the court of common pleas of Williams county to imprisonment in the Penitentiary for three years, and was pardoned February 4, 1858.

He was sentenced at the same time, for the same term, and for the same offense with James S. Eager; and in some particulars the reasons for pardon were the same. Both were young—Watkins the youngest; neither had before offended; both were tempted by experienced criminals, and except that the prosecuting attorney made no recommendation as to Watkins, both were similarly recommended to pardon. The judge certified that if the law had permitted it, he should have sentenced Watkins for no more than one year, and nearly a year and a half had elapsed. It seemed to me improper, under these circumstances, to discriminate between his case and that of Eager, and he was accordingly pardoned at the same time.

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SARAH HILLIARD,

For grand larceny, was sentenced at the December term, 1857, by the court of common pleas of Muskingum county, to imprisonment in the penitentiary for one year, and was pardoned February 4, 1858.

It appeared, from the statement of the judge, that she had been reduced to absolute beggary by the dissolute and drunken habits of her husband, and that her character up to the time of the offense of which she was convicted, had been irreproachable. The prosecuting attorney stated that she had a sick daughter dying of consumption; that she was a weak-minded person, rendered almost irresponsible by poverty and ill-treatment. Both the judge and the prosecuting attorney recommended her pardon, in which recommendation they were joined by the whole jury, and many officers and citizens of the county of the highest respectability. It was therefore granted.

RICHARD FLETCHER,

For manslaughter, was sentenced at the October term, 1854, of the court of common pleas of Hamilton county, to imprisonment in the penitentiary for five years, and was pardoned February 12, 1858.

The pardon of the prisoner was urged on the ground that he was not in fact, guilty of the crime for which he was sentenced. It was at first refused. The evidence subsequently submitted was, however, amply sufficient at least to create a strong doubt of the correctness of the verdict, and, as he had already been imprisoned more than three years, I thought it my duty to discharge him upon condition.

JOHN McCULLOUGH,

For burglary, was sentenced at the February term, 1856, by the court of common pleas of Erie county, to imprisonment for three years, and was pardoned February 26, 1858.

It appeared that the prisoner was twice tried, and that on the first trial the jury disagreed; on the second he was convicted. The crime consisted in breaking into a drinking saloon while intoxicated. It was doubtful whether he attempted to steal anything, certain that nothing was stolen. Imprisonment in the penitentiary seemed a hard sentence for such an offense, and as his conduct in the penitentiary had been good, and as his pardon was recommended by the judge, most of the

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jurors, the county officers, the mayor of Sandusky, and many other respected citizens, I thought it right to grant it, and did grant it accordingly.

JOSHUA MINER,

For having in possession, with intent to sell, counterfeit bank bills, was sentenced at the May term, 1855, by the court of common pleas of Cuyahoga county, to imprisonment in the penitentiary for three years, and was pardoned March 5, 1858.

The original application for pardon in this case, was made some months since. Having ascertained that the convict had escaped from the penitentiary and was then at large, I declined to consider the application or look at any papers connected with it until he should have surrendered himself to custody, and advised the parties applying, that, upon such surrender, the case must rest wholly on the merits as they should then appear, independently of such surrender.

Having been advised by the Warden of the penitentiary that the convict had surrendered himself, and was now in actual custody, I examined the papers, and found that the officer who arrested Miner upon the charge upon which he was convicted, now entertained strong doubts of his guilt, which doubts were shared by six of the jurors who rendered the verdict of guilty; that these doubts arose upon facts developed since the trial; that the judge who tried the case stated that the evidence on the trial was such that the jury might have acquitted as well as convicted him; and that the police judge, the city marshal, the chief and members of police of the city of Cleveland, all agreed in thinking the original conviction wrong. It was clearly shown that the prisoner sustained a good character before his conviction, and after his escape, nearly three years prior to his surrender, had so conducted himself as to gain the confidence and respect of the community in which he lived; had married respectably, and had engaged in honest business. It was further stated by the former and present prosecuting attorney that his testimony was required in important investigations, and could not be given while he was under the disability of conviction. Under these circumstances his pardon was recommended by magistrates and officers already referred to, by all the jurors who had been seen except two; by the common pleas and probate judges; by many members of the bar, and by the Senators and Representatives from the county. Two jurors

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remonstrated, but only on the ground that they thought the original conviction correct, and that they thought the case was not a proper one for executive interposition. This remonstrance could not, in justice, be permitted to overthrow the very strong case made for the prisoner, who was therefore pardoned.

SABASTIAN MORASKI,

For burglary, was sentenced at the July term, 1854, by the criminal court of Hamilton county, to imprisonment in the penitentiary for five years.

The prisoner was an old man, without friends or kindred in this country. It appeared from the statement of the prosecuting witness, that he was found in his house under circumstances which indicated that he was either the instrument or the associate of others in the burglary; that he was himself without burglar's tools, and had taken nothing; that he seemed stupid and inoffensive, ignorant of the language and a stranger; that he made no effort to escape, and when interrogated said he only wanted some food and shirts. He was indicted, tried and sentenced for five years on the day of his arrest. The judge, the prosecuting attorney, and the prosecuting witness expressed the opinion that the sentence was too severe, in which opinion I fully concurred, and therefore, upon their application and that of many other prominent citizens, I granted him a pardon.

LAFAYETTE HUFF,

For burglary, was sentenced at the November term, 1855, by the court of common pleas of Darke county, to imprisonment in the penitentiary for three years, and was pardoned March 6, 1858.

Many of the most respectable citizens of Darke county petitioned for the pardon of the prisoner on the ground that the testimony on which he was convicted was slight, and his guilt doubtful; and, if guilty at all, he was probably betrayed into this, his first and single criminal act, by the influence of others. It appeared from the report of the prosecuting attorney and the judge that these grounds of pardon actually existed. His conduct in prison had been good, and there was reason to believe that, in respect to his habit of drunkenness, which doubtless made light evidence weigh heavily against him, he had thoroughly reformed. And the time was near at hand when the application to his case of the prin-

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ciple of the act of 1856, would discharge him, as he had already been confined nearly two years and a half. I was satisfied that he ought to be permitted to return to his aged mother, who, I was informed, greatly needed the services of her son. In the confident hope that he would henceforth perform the part of a good son and a good citizen, I therefore pardoned him.

ABRAHAM HEAD,

For burglary, was sentenced at the February term, 1857, by the court of common pleas of Fairfield county, and sentenced to imprisonment in the penitentiary for three years, and was pardoned March 11, 1858.

It was certified by the judge who presided at the trial, and by the prosecuting attorney, that the prisoner, who was convicted of burglary, was in fact only guilty of petit larceny. Both, therefore, recommended his pardon, which, of course, could not with propriety be withheld.

GEORGE HIBBER,

For assault with intent to murder, was sentenced at the June term, 1856, by the court of common pleas of Gallia county, to imprisonment in the penitentiary for three years, and was pardoned March 25, 1858.

It appeared from the statement of the judge, prosecuting attorney and jury, that the assault was not prompted by malice, or any cherished purpose, but grew out of a sudden quarrel, and that there was no proof of any intent to kill, except the inference supplied by the character of the instrument used, which was a dray pin, seized on the instant, as the thing readiest to hand. It seemed probable that there was no actual intent to kill, but a reckless disregard of consequences, which was almost as criminal. The judge stated, that had it been in his power to do so, he should have sentenced him only for one year; and recommended his pardon if he had behaved well. The jury united in this recommendation, as did also many highly respectable citizens, and among them the person assaulted. His conduct in prison was certified to have been uniformly good, and it seemed to me that no beneficial purpose could be attained by extending still further the confinement of nearly two years to which he had been subjected. He was therefore pardoned.

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WILLIAM SMITH,

For robbery, was sentenced at the February term, 1855, by the court of common pleas of Cuyahoga county, to imprisonment in the penitentiary for eight years, and was pardoned April 27, 1858.

It appeared from the statement of a number of the most respectable citizens of Cleveland, confirmed by that of the prosecuting attorney, that the prisoner was convicted on the statement of a single witness, who did not himself sustain a good reputation. The judge by whom he was sentenced said that with the knowledge subsequently acquired of the prisoner's character he would not have sentenced him for a longer term than he had already been imprisoned, and recommended urgently his immediate pardon. The prisoner, while engaged at his work, had met with a terrible accident, from which he suffered great torture, and lost by amputation at the shoulder, one of his arms. He had uniformly behaved well. In consideration of all these circumstances it seemed highly proper to grant the application made in his behalf, and he was pardoned accordingly.

GEORGE DUNCAN,

For burglary, was sentenced at the September term, 1856, by the court of common pleas of Clark county, to imprisoment in the penitentiary for three years, and was pardoned May 11, 1858.

The prisoner, under a sentence of imprisonment for three years, had been confined more than half his term. The offense for which he had been convicted was his first, and was committed under circumstances of considerable mitigation. He had been a dutiful and affectionate son, and there was now reason to believe that, if pardoned, he would be again the support and stay of his aged mother. Under these circumstances it seemed proper to comply with the very general wish expressed for his release by the court and officers of justice concerned in his prosecution and conviction; by the prosecuting witness injured by his offending; by the administrative officers, editors, and other respected citizens of his county.

CHARLES DAVIS,

For manslaughter, was sentenced at the November term, 1856, by the court of common pleas of Cuyahoga county, to imprisonment in the penitentiary for four years, and was pardoned May 13, 1858.

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After having once refused a pardon in this case, I received a letter addressed to me by the judge before whom the trial was had, stating that in his opinion the time had arrived when the prisoner might be properly pardoned, in which view the prosecuting attorney and a respected citizen of Cleveland, formerly a judge of the supreme court, expressed their concurrence. On referring again to the letter of the judge previously submitted, I found he expressed the opinion that had the facts which thereafter came to his knowledge been known to him at the trial, the sentence would have been reduced to two years imprisonment, *if not to one year*. My attention was also directed to the fact that the injury which occasioned the death was inflicted without weapons, and probably without homicidal intent Upon a review of the whole case, and full consideration of all the circumstances, I came to the conclusion that the pardon might now be properly granted, on the ground of mitigating circumstances, and supported by exemplary conduct since conviction.

FERDINAND BERGMAN,

For burglary, was sentenced at the November term, 1856, by the court of common pleas of Franklin county, to imprisonment in the penitentiary for three years, and was pardoned May 20, 1858.

It appeared from the statement of the prosecuting attorney, that the burglary and larceny of which the prisoner was convicted was his first offense, committed when unable to procure work, and when his family was in want of food. He was a young man, and had previously sustained a good character. The judge before whom he was tried sentenced him to three years imprisonment—the shortest term allowed by law. He now stated that he regarded this punishment as too severe, and expressed his conviction that, if pardoned, he would no more offend. The parties on whose premises the burglary was committed joined in the application for pardon, as did many of the most respected citizens of Columbus. His conduct in prison had been unexceptional. Considering all these circumstances, I thought it my duty to grant him a pardon.

WILLIAM CLARK,

For stabbing with intent to kill, was sentenced at the November term, 1857, by the court of common pleas of Gallia county, to imprisonment in the penitentiary for one year, and was pardoned July 5, 1858, after the expiration of more than half his term, upon the application of the

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prosecuting attorney of Franklin county, and upon the recommendation of the warden and two of the directors of the penitentiary, in order to render him competent as a witness upon the trial of Albert Myers, a convict indicted for the murder in the first degree of Bartlett Neville, a fellow convict.

DANIEL MAILHORN,

For grand larceny, was sentenced at the September term, 1856, by the court of common pleas of Hamilton county, to imprisonment in the penitentiary for two years, and was pardoned July 5, 1858, for the same reason as William Clark.

MARY SHULTZ,

For producing abortion, was sentenced at the February term, 1858, by the court of common pleas of Hamilton county, to imprisonment in the penitentiary for one year, and was pardoned July 17, 1858.

The prisoner was doubtless guilty and deserved the sentence imposed. Executive interposition could not be justified upon any ground personal to herself; but I thought myself warranted in complying with the request of the judge, prosecuting attorney, and many prominent citizens, for a conditional pardon, in order to secure to her innocent and suffering children the benefit of a provision made by their friends in Germany for their removal thither, and to the community in which she had lived the benefit of her removal from its midst. In the hope that, returned to her own land, she might lead a better life, and perform there to her children the true duties of a mother, I granted her a pardon conditioned that she should leave the United States within two weeks and not return.

JOSEPH FELDKAMP,

For assault with intent to wound, was sentenced at the November term, 1857, by the court of common pleas of Hamilton county, to imprisonment in the penitentiary for one year, and was pardoned July 17, 1858, on account of his youth, his prior good conduct, and mitigating circumstances, upon the recommendation of the judge, the twelve jurors, and the prosecuting attorney.

CHARLES W. FANNING.

For robbery, was sentenced at November term, 1857, by the court of common pleas of Lucas county, to imprisonment in the penitentiary for three years, and was pardoned July 21, 1858.

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The evidence submitted in support of the application for pardon satisfied me that the prisoner was not guilty of the crime for which he was sentenced. His character prior to the arrest had been good. The judge, the prosecuting attorney, the twelve jurors, the mayor of Toledo, and the sheriff of Lucas county, concurred in recommending his pardon.

JOHN M. RICHARDS,

For burglary, was sentenced at the May term, 1854, by the court of common pleas of Hamilton county, to imprisonment in the penitentiary for five years, and was pardoned September 2, 1858.

The conduct of the prisoner had been uniformly good since his confinement in the penitentiary; his mother, credibly recommended to me as an excellent woman, solicited his pardon, and it seemed to me proper under the circumstances to extend to him the principle of the act of April 8, 1856, and April 12, 1858, under which, had they been in force at the date of his imprisonment, he would have been entitled to his discharge at the time of his pardon.

ELI BAYLEY,

For selling and disposing of a counterfeit bank note, was sentenced at the March term, 1854, by the court of common pleas of Ashland county, to imprisonment in the penitentiary for five years, and was pardoned October 15, 1858.

He was pardoned upon the application of several of the county officers and other respected citizens, supported by proof that the judge before whom he was tried was not entirely satisfied with the conviction, and desired his pardon. As his conduct while in prison had been uniformly good, he would have been entitled to his discharge in September, 1857, if the acts of April 8, 1856, and April 12, 1858, had been in force at the time of his conviction. It seemed therefore, clearly proper to extend to him in part the benefit of the principle of those acts, by the pardon which was granted.

JAMES HULL,

For burglary, was sentenced at the February term, 1857, by the court of common pleas of Cuyahoga county, to imprisonment in the penitentiary for six years, and was pardoned October 18, 1858.

He was pardoned upon affidavits and representations, confirmed by

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statements from the judge, prosecuting attorney, and a majority of the jury, that a conviction, though warranted by the evidence upon the trial, was in fact erroneous.

CHARLES DYVIL AND JOHN M. SHAFER,

For arson, were sentenced at the September term, 1858, by the court of common pleas of Richland county, to imprisonment in the penitentiary for one year, and were pardoned October 20, 1858.

They were pardoned upon the recommendation of nine jurors, who declared themselves satisfied that the verdict rendered by them was wrong, and that the prisoners were not guilty. A number of prominent members of the bar stated, that, in their judgment, the evidence was insufficient to warrant a conviction, and the statement of the prosecuting attorney left the same general impression upon my mind. The sheriff, auditor, and the clerk of the court certified that, in their opinion they were wrongfully convicted, and, with many respectable citizens, recommended their pardon, which the circumstances seemed not only to justy, but require.

WILLIAM EVANS.

For forgery, was sentenced at the February term, 1857, by the court of common pleas of Jefferson county, to imprisonment in the penitentiary for three years, and was pardoned October 22, 1858.

Some mitigating circumstances shown by the report of the prosecuting attorney, the statement of the attorney general founded upon information obtained while in charge of the case upon error before the supreme court, that the circumstances warranted executive interposition, and the recommendations for pardon from the judge, eleven jurors, and the officers of the county, constituted the grounds upon which the prisoner was discharged, after the expiration of more than half the term for which he was sentenced.

ALONZO B. EDGCOMB,

For passing counterfeit money, was sentenced at the October term, 1856, by the court of common pleas of Portage county, to imprisonment in the penitentiary for three years.

The papers submitted in support of the application for pardon satisfied me that the offense, which was passing a counterfeit $5 bill, was

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committed through weakness of mind operated upon by the arts of another rather than with a guilty intent. The pardon was recommeded by the judge, prosecuting attorney, county officers, and many other highly respectable and judicious citizens of Lake county, and was granted on the 13th of November, 1858.

MICHAEL WELCH,

For burglary, was sentenced at the February term, 1857, by the court of common pleas of Hamilton county, to imprisonment in the penitentiary for three years, and was pardoned November 26, 1858.

The prisoner was but sixteen years of age, and perhaps younger at the time of the commission of the offense, and had already been imprisoned nearly two years.

Executive interposition was recommended by the judge, prosecuting attorney, nine jurors, the probate judge, and other prominent citizens, and there appeared to be good reason to believe that the prisoner, if pardoned, would not again offend. I thought myself warranted, therefore, in reconsidering an adverse decision, and in yielding to the entreaties of an aged and excellent mother, the pardon she solicited for her son. It was granted upon condition that it should be null and void in case he should commit any crime or misdemeanor during the term for which he was sentenced.

HENRY WILLIS,

For maliciously killing a cow, was sentenced at the October term, 1857, by the court of common pleas of Butler county, to imprisonment in the penitentiary for two years, and was pardoned December 1, 1858.

The law under which the prisoner was convicted was passed April 15, 1857, and the crime was committed shortly afterwards, and undoubtedly in ignorance of the law. Upon this and other grounds, seven jurors recommended pardon. The prosecuting attorney stated that there was some doubt as to the sufficient proof of the value necessary to bring the offense within the penitentiary clause of the statute. The judge represented that he was now satisfied that the finding as to the value was against the weight of evidence, and that, if found guilty at all, the prisoner should have been sentenced for only one year. These statements in my opinion, rendered executive interposition a duty.

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JOSEPH COLLINS,

For burglary and larceny, was sentenced at the November term, 1854, by the court of common pleas of Sandusky county, to imprisonment in the penitentiary for five years, and was pardoned December 7, 1858.

The prosecuting attorney at the time of application, as well as the assistant who represented the State upon the trial, certified that, in their judgment, the sentence was for a longer term than the circumstances warranted. The former stated that the evidence of identity was not clear; that there was no testimony showing any previous criminal conduct, and that a sentence for three years would have been entirely sufficient. The judge in a letter to the former prosecutor, stated that he had no recollection of the case, but would concur in a recommendation for pardon. Many county officers, the prosecuting witnesses, injured by the offense, and other respectable citizens joined in the same recommendation. He had already been in prison more than four years, and his conduct in the penitentiary had been remarkably good. These facts satisfied me that the pardon ought to be granted.

FREDERICK MARTIN,

For stabbing with intent to wound, was sentenced at the May term, 1856, by the court of common pleas of Hamilton county, to imprisonment in the penitentiary for eight years, and was pardoned December 10, 1858.

It appeared from the papers submitted, that the prisoner had uniformly sustained an excellent character for honesty, industry and peaceable behavior, prior to the charge upon which he was convicted, and that no evidence was given as to character upon the trial, because the prisoner was unwilling to disclose the names of his friends. The judge certified that the offence was committed in the excitement of an affray not provoked by the prisoner, but in which he, with a number of other boys, was engaged; that he was, like the stork, in bad company, and that, had any evidence of previous good character and peaceableness of disposition been given, the time for which he was sentenced would have been materially lessened. These circumstances, in connection with the warden's certificate of uniform good conduct in the penitentiary, seemed to warrant his release.

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JOHN HOYT,

For concealing stolen property, was sentenced at the August term, 1856, by the court of common pleas of Licking county, to imprisonment in the penitentiary for three years, and was pardoned December 21, 1858.

It appeared, from the statement of the judge, the prosecuting attorney, and several prominent members of the bar, as well as in the testimony set forth in a bill of exceptions, that the evidence upon which the prisoner was convicted, was weak. A number of the most judicious and respectable citizens of the county, including six of the jurors and the principal witness for the prosecution, recommended a pardon, which, after an imprisonment of more than two years, it seemed proper to grant.

JOSEPH LOEFFNER,

For murder in the first degree, was sentenced at the November term, 1857, by the court of common pleas of Hamilton county, to suffer death by hanging, on the 30th day of April, 1858.

Application was made to me for the commutation of this sentence, to imprisonment in the penitentiary for life, which I thought proper to grant on the 24th of April, 1858.

The reasons for this commutation appear from the following statement, I thought it expedient to publish at the time:

I have carefully and anxiously considered the application in behalf of Joseph Loeffner, for the commutation of the sentence of death pronounced against him by the court of common pleas of Hamilton county, to imprisonment in the penitentiary for life.

The enormity of the crime committed was heightened by fearful circumstances of aggravation. There was a double homicide; murder of a wife, and murder of an employer; murder, where cherishing protection was most due, and where fidelity to trust was most imperative; arson, with murder, involving in peril of death a whole family. Such were the terrible atrocities which raised this transaction above the horror of ordinary crime.

The evidence contained in the record, certified by the prosecuting attorney and by the attorney general to be all that was adduced upon the trial, discloses no adequate or real motive for these murders or this arson. It seems evident that a terrible suspicion haunted the mind of the wretched convict. He accused one of his victims of conjugal infi-

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delity, and the other of guilty trespass upon his domestic peace. But no foundation appears to have existed for the suspicion or the accusation. It was a delusion which with other delusions took possession of his soul: and which made existence so insupportable that, after killing his wife and his employer, he attempted his own life also, and by frightful gashes in his throat and on his wrists, all but accomplished his purpose of self-destruction.

The palpable and undeniable facts of the transaction admitted of but one defense; and the plea of insanity was accordingly interposed in his behalf, and urged upon the trial with equal zeal and fidelity. All the evidence offered in this defense was fully considered by the jury, who, nevertheless, under the direction of the court, rendered a verdict of guilty of murder in the first degree. A motion for a new trial was made upon the ground that new and important evidence had been discovered since the verdict, and also on the ground that the court had erred in its charge to the jury touching the defense. This motion was overruled, and the prisoner was sentenced to be executed by hanging, on the 30th of April, 1858.

The questions thus presented to the court of common pleas by motion were brought before the supreme court by writ of error. That court, in accordance with its settled practice, declined to express judicially any opinion on the newly discovered evidence, and also refused, by a majority of three against two, to reverse the judgment of the common pleas on the ground of error in the charge. All the judges agreed that one expression of the charge was erroneous, but three were of opinion that this expression was so qualified and corrected by others, that the charge, as a whole, ought to be sustained and the judgment affirmed; while two entertained the opinion that the admitted error was not so corrected but might have prejudiced the prisoner's defense, and that the judgment should, therefore, be reversed.

Had the supreme court considered the effect of the newly discovered evidence of insanity, and decided it insufficient to warrant a new trial, and had the court been unanimous in sustaining the charge of the court of common pleas, the weight of reason against executive interposition would have been great, if not decisive. Under the actual circumstances, however, I have felt myself bound to look into the record, and consider all the testimony, whether offered on the trial or presented after the verdict, and am compelled to think that the decided preponderance sus-

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tains the claim in behalf of the prisoner, that he was insane at the time of the fatal deed—not so insane, possibly, as to be *utterly* unconscious of the distinction between right and wrong, but certainly so insane as to be *incapable* of that *deliberation* and *premeditation* which are essential to murder in the first degree. I have also considered the charge of the court of common pleas, and concur fully with the judges of the supreme court in thinking that charge in one important point erroneous. I find myself also constrained to concur with the minority of the judges in thinking this error of sufficient importance to require the reversal of the judgment.

With these views of the evidence and of the law, I think it my duty to commute the sentence of the prisoner. I come to this conclusion with hesitation and some reluctance. The enormity of the crime; the horrible circumstances of its perpetration; and the increasing recklessness of homicide which marks our times, render executive interposition in capital cases inexpedient if avoidable. But it cannot be avoided in this case, without shrinking from what seems to be plain duty.

I am gratified to find myself sustained in this action by the judgment of many citizens whose public stations and private virtues would command for their recommendations the greatest deference on my part, even in a case where my convictions were less clear. All the judges of the supreme court except one, write in recommending commutation. Precluded by rules of law from examination of the testimony as a foundation for judicial action, and yet reading the record with reference to the alleged errors in the charge, they found themselves, as they say, "so strongly impressed with doubts as to the sanity of Loeffner as to feel constrained to recommend a commutation."

The attorney general, whose duty it was to represent the State, on the hearing of the writ of error, advised me that "a very thorough and anxious consideration of the evidence has forced" him "to the conclusion that Loeffner ought not to be executed. The preponderance of the evidence," he adds, "is clearly and decidedly on the side of insanity."

The judges of the superior court of Cincinnati represent that they "have reason to believe that Loeffner is insane, and probably was so at the time of the commission of the offense for which he was condemned," and after suggesting a respite for further evidence as to insanity, recommended, if the executive be satisfied of the fact of insanity from the

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evidence now before him, or to be hereafter obtained, that his sentence be commuted to imprisonment for life. A large number of physicians certified to me their conviction that the prisoner was insane, and was so at the time of the fact. The jailor certified the same statement. Nearly all the members of the city council and very many citizens of all positions and all occupations, united in recommending commutation.

Against these recommendations, two respected citizens interposed their remonstrance; and I certainly should not have yielded to the application for commutation, whatever deference may be justly due to the characters and positions of those who recommended it, had my opinions been decidedly opposed to theirs. But when the clearest convictions of my own judgment coincided with those of citizens so justly entitled to respect and confidence, it afforded me no little relief, while I acted upon the former, to find myself supported by the latter.

ALBERT MYERS,

For murder in the first degree, was sentenced at the June term, 1858, by the court of common pleas of Franklin county, to execution by hanging on the 3d day of September, 1858.

Application was made to me by a number of the most intelligent and able physicians of the city of Columbus, some of whom expressed doubts whether the said Myers was not insane, and others a clear conviction that he was insane, to suspend the execution of his sentence until opportunity could be afforded for an examination into his mental condition.

Application was also made for such suspension on the ground that the prisoner having obtained the means of intoxication, and having been recently in a state of complete intoxication, had not had the opportunity for preparation for death contemplated by his sentence.

Being of opinion that the circumstances of the case required a temporary suspension of the execution of said sentence, I granted to said Albert Myers a reprieve, and suspended his execution until Friday, the 17th day of December, 1858, and required the sheriff of Franklin county closely and securely to keep the said Albert Myers in the jail of said county until the said Friday, the 17th day of December, to be then and there dealt with according to his sentence, unless it should be otherwise ordered by due legal authority.

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GUSTAVE WALKER,

For petit larceny, was sentenced at the May term, 1858, by the police court of Cincinnati, to imprisonment in the jail of Hamilton county, at hard labor, under the direction of the county commissioners, for four months, and was pardoned June 17, 1858, upon the recommendation of the county commissioners and of the jail physician, who certified that he was far gone with consumption, and could not probably live until the end of his sentence; that he was a printer by trade, and that his fellow printers were ready and willing to furnish the means for sending him to his wife and children in Pennsylvania, if discharged.

CHARLES BRILL,

For assault and battery, was sentenced at the December term, 1858, by the police court of Cincinnati, to the dungeon for ten days, and was pardoned December 28, 1858.

It appeared from the statements submitted that the assault was committed under circumstances of great provocation, and no attempt at concealment or denial was made by the prisoner. He was sentenced on his own plea of guilty to imprisonment for ten days, which term had nearly expired, when, in consideration of the circumstances and the condition of his family, he was pardoned.

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INFORMATION RELATING TO PARDONS.

Inquiries are constantly made at the Executive Office, for information in relation to the proper mode of proceeding in applications for pardon. In order to furnish this information in a convenient form, the provisions of the Constitution and of the statute, together with the rules which have been adopted by the Executive, are here collected.

It will be observed that the power to pardon is no longer, in this State, a power to be exercised at the discretion of the Governor.

It is subject to such limitations, in respect to the mode of application, as the Legislature may see fit to prescribe; and the Executive is required, whenever a pardon is granted, to communicate to the General Assembly the reasons of his action. It will be at once seen that these reasons must be derived from the papers in each case; and hence the necessity for the rule that all statements must be in writing.

At the session of the Legislature in 1856, a law was passed providing for certain deductions from the term of imprisonment, in consideration of good conduct on the part of prisoners. This legislative provision indicates the sense of the Legislature as to the extent to which punishment should be remitted upon the ground of reformation. Proper respect for this legislative expression will induce the Executive to refrain from the exercise of the pardoning power because of the alleged reformation, except in extraordinary and clearly established cases.

CONSTITUTION—Art. 3, Sec. 11.

"He [the Governor] shall have power, after conviction, to grant reprieves, commutations, and pardons, for all crimes and offenses, except treason and cases of impeachment, upon such conditions as he may think proper; subject, however, to such regulations, as to the manner of applying for pardons, as may be prescribed by law. Upon conviction

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for treason, he may suspend the execution of the sentence, and report the case to the General Assembly, at its next meeting, when the General Assembly shall either pardon, commute the sentence, direct its execution, or grant a further reprieve. He shall communicate to the General Assembly, at every regular session, each case of reprieve, commutation, or pardon granted, stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon, or reprieve, with his reasons therefor."

AN ACT TO PRESCRIBE THE MANNER OF APPLYING FOR PARDONS.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all pardons hereafter applied for on behalf of any person or persons convicted in any court of this State, of any crime punishable under the laws thereof, by imprisonment in the penitentiary of the same, and sentenced to such imprisonment, or on behalf of any person or persons convicted of any crime, the punishment of which is capital under the laws of this State, and sentenced to such punishment, shall be made and conducted in the manner and under the restrictions hereinafter prescribed.

SEC. 2. Notice of the application for such pardon shall be given to the prosecuting attorney of the county in which the indictment was found against such person or persons so convicted and sentenced, at least three weeks before such application shall be considered by the Governor of the State; a copy of which notice, acknowledged by such prosecuting attorney, or certified under oath of a credible witness, to be a true copy thereof, shall accompany every such application to the Governor; and a notice of such application, setting forth the names of the person or persons on whose behalf it is made, the crime of which he, she or they shall have been convicted, the time of such conviction, and the term of sentence, shall also be published in some newspaper printed in such county, and of general circulation therein; or if there be no newspaper published therein, then such notice shall be posted on the door of the court house of such county, at least three weeks before the Governor of the State shall consider any such application; a copy of which notice, duly authenticated by some credible witness under oath,

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shall also accompany such application; Provided, that in any case in which the application is for the pardon of any person sentenced to capital punishment, and the time from the date of the sentence to the time of the execution thereof is less than three weeks, that such notices shall only be required to be so served and published for ten days before the consideration of such application.

SEC. 3. It is hereby made the duty of the prosecuting attorney of the county in which the indictment was found, against such person or persons on whose behalf such application for pardon is made, to make out and forward to the Governor, within ten days after the service of the notice upon him as hereinbefore provided, a statement setting forth the time of such trial and conviction, and the date and term of such sentence, and also the crime of which such person or persons were convicted; and he shall also briefly state any circumstances in aggravation or extenuation, if any such appeared in the testimony upon the trial of the person or persons in whose behalf such application is made.

SEC. 4. That in any and every case in which there is imminent danger of the death of any person or persons so convicted and imprisoned, which fact shall appear by the certificate of the physician of the penitentiary, addressed to the Governor, which certificate may be accompanied by the recommendation of the warden of the penitentiary, for the pardon of such convict or convicts; and in every case in which the warden of the penitentiary, and the directors thereof, shall unite in a recommendation to the Governor for the pardon of any such convict or convicts, stating specifically the considerations and reasons why such application is made, the provisions in the foregoing sections of this act shall not be considered applicable.

SEC. 5. This act shall take effect on the first day of April, A. D. 1852.

EXECUTIVE RULES.

1. The notice required by the law must be served on the prosecuting attorney of the county in which the indictment was found, and then published at least once a week for three consecutive weeks, in a newspaper of general circulation in said county; and proof of such publication must be made by affidavit of the printer, or some person connected

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with the publisher's office. Proof or acknowledgment of the service of the prosecuting attorney, must also be furnished.

2. So much of the record of the conviction as shows the nature of the charge, the names of the jurors, and the sentence of the court must be furnished.

3. A full statement of the evidence on the trial, as far as it can be supplied, together with his own views as to the propriety or impropriety of granting the application for pardon, will be expected from the prosecuting attorney.

4. A statement from the judge or judges, who presided at the trial, of the nature of the case and of the reasons for granting or withholding a pardon; and a similar but separate statement from the jury who rendered the verdict, will also be expected. If the name of any juror is not subscribed to the statement made by the jury, or the required statement of the judge or judges is not obtained and submitted, the reason of the omission must be shown. Attached to the statement of the jury should be the certificate of the clerk of the court, or some other known and reliable person, that the signatures affixed to it are genuine.

5. A recommendation of the pardon, signed by the county officers, editors, and other respectable citizens best informed as to the nature of the case and the wishes of the community, will also be generally expected.

6. Any other statements or papers which applicants may think calculated to inform the Executive as to facts or reasons which should influence his decision, will be received and considered; but no statements not in writing, can be received.

7. A regular list of applications for pardon will be kept in the Executive office, and no application will be considered, unless under special circumstances, until the required papers have been filed; when it will be taken up and disposed of as the nature of the case may demand.

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REPORT OF SELECT COMMITTEE ON H. B. NO. 483.

The select committee to whom was referred House Bill No. 483, providing for the relief of the surviving lessees of the National Road, and for the future management of said road, have had the same under consideration, and respectfully submit the following

REPORT:

That by act of the legislature, passed Feb. 4, 1831, assented to by the congress of the United States by act approved March 2, 1831, the State of Ohio obtained possession and control of that part of the National Road within the limits of this State, subject to the provisions and stipulations of said act, among which are the provisions "that no toll shall be received or collected for the passage of any stage coach conveying the United States mail, or horses bearing the same, or any wagon or carriage laden with the property of the United States." That the net proceeds of the tolls collected on said road, after paying the salary of the superintendent and the expenses incident to the superintendence and collection, other than those particularly provided for in said act, "should be applied solely and exclusively to the preservation, repair and improvement of said road, and to no other purpose whatever;" and that said act should not, without the consent of congress, "be so changed, altered or amended, as to reduce or increase the rates of toll hereby established, below or above a sum necessary to defray the expenses incident to the preservation and repair of said road, to the erection of gates and toll houses thereon, and for the payment of the fees or salaries of the superintendent, the collectors of tolls, and of such other agents as may be necessarily employed in the preservation and repair of the same, according to the true intent and meaning of (said) act."

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That afterwards, by act of the legislature, entitled "an act authorizing the Board of Public Works to lease the National Road to the highest responsible bidder," passed May 1, 1854, (52 vol. Statutes, page 196,) the Board of Public Works were required to lease the National Road from Springfield to Bridgeport, in this State, to the highest responsible bidder, for the term of ten years from the first day of June, one thousand eight hundred and fifty-four, after public notice; the contractors to give security for the faithful performance of their contracts, and that they would keep and deliver up the road at the expiration of their contracts, in as good condition as they received it, the bonds to be so drawn as to operate and be a lien on the real estate of the contractors, as well as on the realty of their security; contractors to charge no higher rate of toll than was then charged by law on said road. That in pursuance of said last named act, the Board of Public Works, on behalf of the State, on the 29th day of May, 1854, entered into contract, by which they leased to Joseph Cooper, Samuel Doyle and Samuel G. Foster, that portion of the National Road authorized to be leased for 10 years after the 1st day of June, 1854; the lessees agreeing to pay six thousand one hundred and five dollars annually, in semi-annual payments, on the first days of December and June of each and every year during said term; to keep the road in good repair, and at the end of the term to deliver it up in as good condition as it then was in, and that they would charge no higher rate of toll than was then charged by law. Said contractors at the same time executed bonds, with sureties to the approval of the Attorney General and Board of Public Works, constituted for the performance of these contracts, and they and their sureties, as your committee are informed, also executed mortgages upon their real estate to secure the performance of said contract.

That said Samuel Doyle and Samuel G. Foster, afterwards, by their sworn petition, now on file in the office of the Board of Public Works, applied to the Board for a modification of said contract, stating that said Joseph Cooper had assigned his interest in said contract to the petitioners, and that they and said Cooper "entered into the covenants on their part contained in such contract of lease, under the undoubting belief and confidence that all coaches and vehicles used upon said road in the transportation of the mails of the United States upon said road in common with all other coaches and vehicles of like description, were and would continue to be, legally chargable with tolls upon said road; that before, and at the time of their negotiating the contract with the Board for said lease, there was exhibited to them by the agents of the

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State, a certain document called a "toll sheet," purporting to contain a tabular statement of the tolls chargable upon said road—that amongst other things there was contained in said toll sheet a statement of tolls chargable upon 'all coaches' carriages, &c., without any exception being therein stated, of coaches, &c., engaged in transporting the public mails, and that they, in good faith, acting under the belief above named, and being misled by the toll sheet in the particulars above mentioned, entered into said contract with the expectation that a large part of the income of said road would arise from tolls which they might lawfully charge against coaches, &c., engaged in carrying the mails, and in view thereof agreed to pay to the State of Ohio a much larger amount of rent for the use of said road than they would otherwise have been willing or justified to pay, * * and that after they entered into said contract, they, for the first time, were advised that under and by virtue of special laws upon the subject, before that time wholly unknown to them, all coaches &c., engaged in the transportation of the public mails were free and exempted from liabilities to pay tells for the use of said road." The affidavits of Joseph Cooper, and P. A. Crow, (also on file in the office of the Board of Public Works,) were submitted in support of said petitions. And the Board of Public Works (one member dissenting) on the 15th day of February, 1856, thereupon made the following order:

"In the matter of the application of Cooper, Doyle & Foster, to have their lease of the National Road modified, Mr. Steedman offered the following for adoption:

'Ordered, that the contract of lease between the State of Ohio and Cooper, Doyle & Foster, for the National Road, be, and the same is modified so as to allow the said Cooper, Doyle & Foster an amount equal to the tolls which they would be entitled to receive on coaches and other vehicles carrying the mail on the National Road, but for the exemption of such coaches and vehicles from the payment of tolls, under the compact between the State of Ohio and the United States; and that the amount so to be allowed, shall be ascertained by the Board of Public Works and certified to by the Auditor of State, and be applied in part payment of the rent of said road, payable by said Cooper, Doyle & Foster to the State of Ohio, by the terms of said lease: *Provided*, that the said Cooper, Doyle & Foster shall renew their securities to the State, to the satisfaction of the Board of Public Works.'

"The question being taken, it was carried, as follows: Yeas, Griswold and Steedman; Nay, Blickensderfer."

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Messrs. Doyle & Foster, in their petition, now pending before the General Assembly, say that "they complied with the conditions of said order by filing in the office of said Board, a renewal of their securities to the State; which, so far as known to (them), was satisfactory to the Board—they have not ever heard anything to the contrary—and the obligation so given in renewal has never been returned to (them), but remains in the office of said Board, or under its control," and in conversation, said Doyle & Foster inform your committee that this statement is made upon the authority of H. H. Hunter, their attorney, by whom, as is said, the bond was filed, &c. On the other hand, the bond is not to be found on file in the office of the Board of Public Works, and from certain action of the Board subsequently taken in relation to said order, it might seem to be implied that the bond was either not filed, or being filed, was not approved. On the 12th day of December, 1856, "Mr. Blickensderfer offered the following: Ordered, that the order of the Board adopted Feb. 15, 1856, and which is in the following words, to wit, (the order aforesaid,) be, and the same is hereby rescinded. By general consent laid on the table." And on the 8th day of April, 1857, the following entry is found on the books of the Board: "On motion of Mr. Blickensderfer, the Board took up the order offered by him on the 12th day of December last, in relation to the modification of the lease of the National Road, which order is in the words following, to wit, (the order aforesaid.) The question being on the adoption of the order, it was carried, as follows—yeas, Blickensderfer, Conover and Waddle. Nays none." It is proper to add, that the members of the Board, so far as they have been consulted, express the belief that the bond required by the proviso at the end of said order, modifying said contract, was filed as claimed by said Doyle & Foster, and that the same has been mislaid, or is to be found in some other office.

It appears by affidavit of S. G. Foster, this day filed in the office of the Board of Public Works, that there has been a regular decrease in the amount of tolls received on said road since the contract was made. The following tabular statement, showing the receipts on said road, after deducting the salaries of gate keepers, is extracted from said affidavit:

Receipts from June 1,	1854,	to June 1,	1855.....	$24,257	20
" "	1855,	"	1856.....	20,037	27
" "	1856,	"	1857.....	17,055	09
" "	1857,	"	1858.....	15,382	99
" "	1858,	to December 1,	1858.....	7,701	84

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Suits have been brought and are now pending, to recover the stipulated rents due the State under said contract of May 29, 1854. But as your committee are informed, said Doyle & Foster have paid over to the Attorney General the amount due the State up to December 1, 1858, on said contract, deducting what they claim to be the amount which they have lost by reason of the exemption of mail coaches, &c.

Upon this state of facts, your committee are of opinion—

1. That the contract of May 29, 1854, is valid and binding upon the lessees, and that they may be compelled to pay the full amount of the stipulated rent, &c.

2. That if bond was duly filed and approved according to the provisions of the order of the Board, of the 15th of February, 1856, said original contract is nevertheless still in force, your committee being of the opinion that the Board exhausted its power by the original contract, which could not be modified without the consent of the legislature.

3. That while, as between the State and the contractors, the contract of May 29, 1854, is valid and binding, as between the United States and this State, the latter is but a trustee, to take the tolls upon said road, within the prescribed limits, and apply the same to the preservation and repair of said road, as provided in the act of Feb. 4, 1831.

4. That notwithstanding the legal liabilities of said lessees, it would be unjust and inequitable for the State to take advantage of their *mistaken ignorance of the law*, and hold them to the strict performance of a contract which, if they had known the law, they would not have made.

5. That the contract being an unprofitable one to the lessees, and the presumption being that the receipts for tolls upon said road will not be greater hereafter than will suffice to pay for current repairs, the contract, which ought, in the opinion of your committee, never to have been authorized or made, should be canceled, and the State should resume the care and supervision of the road, and hereafter, in pursuance of its compact with the United States, devote the whole receipts of the road to its preservation and repair, and so adjust the tariff of tolls thereon from time to time, as to realize such sum as will keep the same in good repair.

A majority of your committee, (Mr. Perrill dissenting,) are of the opinion that the State, through its proper officers, should retain the control and management of the road in the future, believing that the trusts with which the State is clothed by the act of cession, would be thereby more faithfully executed, and that the interests of the public would be thereby better subserved, than by letting the same out for repairs by

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contract. In the latter case, it will, of course, be the interest of of the contractor to expend as little in repairing the road as will possibly suffice, because he will thereby be adding to his own net profits. Besides, if let out upon a bid for any sum over and above the repairs, the State will be receiving revenues not her due, which is a great objection to the existing contract.

Your committee therefore recommend the accompanying amendments to the bill, and if adopted, they further recommend that the bill be read a third time and passed.

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SPECIAL MESSAGE FROM THE GOVERNOR.

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, February 8, 1859.

To the General Assembly of the State of Ohio:

I herewith transmit, in compliance with the request of the General Assembly of the State of Michigan, a Preamble and Resolution adopted by that body, in reference to the improvement of the St. Clair Flats.

S. P. CHASE.

JOINT RESOLUTION

In reference to the pending Appropriations before the Congress of the United States, for the Improvement of the St. Clair Flats.

WHEREAS, By the ordinance of one thousand seven hundred and eighty-seven, the inland waters of the States and Territories of the United States are declared to be common highways, forever free to the citizens of the States and Territories, and therefore necessarily beyond the care and control of local legislation, but essentially within the province of the General Government, as repeatedly recognized by appropriations from Congress;

AND WHEREAS, The immense commercial interest involved in the successful navigation of said inland waters, as well as the great floating capital invested in commerce, wherein the citizens of the Union at large are more or less concerned, and the security, wealth and prosperity of the Union are eminently interested;

AND WHEREAS, The protection of such varied and general interests is necessarily dependent upon the removal of all obstructions to such navigation, and fully believing that the dredging and widening of the passage over the St. Clair Flats is absolutely essential to the perfect maintenance of the commerce of the great lakes, and that the sums of money

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heretofore expended for the same purpose will be entirely useless unless the work is renewed and completed during the present year; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That our Representatives in Congress, and especially those from the North-eastern, Middle and Western States, be requested to use every honorable exertion to procure the passage in the House of Representatives, at its present session, of the Senate bill already passed making an appropriation of money for the improvement of the St. Clair Flats.

Resolved, That the Governor be requested to forward copies of the foregoing Preamble and Resolution to our Representatives in Congress, and also to the Executives of each of the Northern States, respectfully requesting them to bring the subject before the notice of their several State Legislatures.

EDM. B. FAIRFIELD, *President of the Senate.*

HENRY A. SHAW, *Speaker of the House of Representatives.*

Approved January 26, 1859. M. WISNER.

STATE OF MICHIGAN, *Office of the Secretary of State.*

I, Nelson G. Isbell, Secretary of State of the State of Michigan, do hereby certify that I have compared the foregoing copy of a joint resolution of the Legislature of the State of Michigan, with the original now on file in this office, and that it is a correct transcript therefrom, and of the whole of such original.

In witness whereof, I have hereunto set my hand and affixed the Great Seal of the State of Michigan, at Lansing, this 28th day of January, A. D., 1859.

N. G. ISBELL, *Secretary of State.*

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REPORT OF SELECT COMMITTEE,

ON THE MENTAL AND MECHANICAL TRAINING NOW IN PRACTICE IN THE DEAF AND DUMB AND BLIND INSTITUTIONS.

The select committee appointed under House joint resolution, "to investigate the course of mental and mechanical training now in practice in the Deaf and Dumb, and the Blind Institutions, and report any improvement in their judgment judicious, having for its object a reduction in the expenses for the support of the same, without impairing their usefulness," having given the subject referred to them a careful consideration, beg leave to present, as the result of their inquiries, the following

REPORT:

The Institutions for the education of the deaf and dumb in this country, have been established and sustained, without exception, by public benefaction. Two of these schools have received grants of land from the general government, and derive a portion of their support from the funds thus obtained. All the others are supported, as are common schools for those who can hear and speak, by State patronage, the board of the pupils and the expense involved in their instruction, being defrayed by appropriation from the public treasury. The number who are able to pay, even in part, the expense of their education, is so small as scarcely to form an exception. Schools for the deaf and dumb in other countries, are sustained in the same way. Those on the continent of Europe are maintained by the governments under whose patronage they were established, while the schools in the British Isles, almost universally derive their support from the annual subscriptions of the benevolent.

The same is true in respect to institutions for the education of the blind. They were generally opened, and are now universally sustained by State patronage.

Notwithstanding this fact, the question whether these institutions can be made in any measure self-supporting, without changing their character and materially diminishing their usefulness, is worthy of consideration.

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No benevolent mind will doubt that for the expense incurred in the instruction of deaf mutes and the blind, we have a full and adequate return; proportionally perhaps a larger return than in other departments of education. This consists, first, in their mental and moral elevation; in endowing them with their birthright of intelligence and culture; in restoring them to the enjoyments and privileges of social life; and next, in relieving society of the burden of their maintenance, by enabling them to earn their living by their own hands. If, while they are receiving this precious boon of education, they can, by their own labor, repay even a part of the expense it involves, it is extremely desirable they should do so. Is there fair ground to expect that such a result can be attained?

The following considerations have brought your committee to the conclusion that, however desirable, it has never yet, to any extent, been realized, and can not reasonably be expected.

It is pertinent to notice the wide difference between educational and reformatory institutions. In the former the objects to be gained are the dissipation of ignorance, the development of the mental powers, the culture of the mind and heart, and to these, all other ends must be held subordinate. In proportion as these objects are secured, must the success or failure of the adopted means and instruments be predicated. If these results are not obtained, either the system or its working must be radically defective, and the investment of time and labor lost. In the latter, reformation is the object primarily sought, and every arrangement that will advance this end, the improvement of character, is appropriate and desirable. Among the expedients for the reformation both of juvenile and of older offenders, manual labor holds the most prominent place, and whether it has been made remunerative in institutions of this character, is not the province of the committee to inquire—yet, as having a direct bearing upon the subject under consideration, we would suggest to those who are skeptical on the one, to examine the statistics of the other.

It is further to be remarked, that the principle involved in this question has been fairly tried under the most favorable circumstances, and has been found fallacious. If it were possible, under any arrangement, to make a substantial and valuable education pay for itself, while it is being acquired,

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it would seem to be under the Manual Labor System. When schools, established upon this principle, were first introduced, they were greeted with much favor. The elements seemed here combined which would ensure success. The members of these schools were persons who had reached a good degree of mental and physical maturity, and were therefore qualified to labor as well as to study intelligently and to the best advantage. They were of an age to value education, and were willing to put forth strong personal effort, and endure great self-denial to obtain it. The experiment was tried both with agricultural and mechanical labor. That these schools have signally failed of their object, and been abandoned, is well known. Indeed, your committee are not aware of a single school in the country, where this system is still pursued for the purpose, or with the expectation of defraying the expense of education. Whether it is actually impossible so to mingle labor and study, as to make the one remunerative and supporting, and the other thorough and valuable; whether the labor must not necessarily, be too exhausting, and the study too much interrupted to allow either to be satisfactory, we need not now stop to inquire. The fact of the universal abandonment of a system which, on its first appearance, was hailed as the royal road to general education, and which embraced the very elements deemed essential to complete success, sufficiently proves that it has some radical defect which effectually destroys its usefulness.

Your committee deem the result of this repeated and prolonged experiment of Manual Labor Schools as entirely conclusive in deciding the question under consideration. If young men of maturity, with shops, tools, implements and lands furnished them, can not make their labor so profitable as to pay the expense of their education, it is not to be expected that the deaf and dumb, or blind inmates of an institution composed of both sexes, and a large proportion of them children, can accomplish it.

The labor of children is proverbially unproductive; and none the less, when they are subject to a physical disability, induced by severe misfortune. About one-half of the pupils of these institutions are females, and four-fifths enter between the ages of twelve and fourteen. Like other children, they are restless, and disinclined to steady application, and to continuous labor. To suppose that such children can work so as to earn any material part of their support, and at the same time, not interfere with or impede their progress in study, is to look for results without the requisite antecedents.

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The simple fact is that none of our schools for hearing and speaking children, none of our academies, none of our colleges, are in any degree, in the sense we are considering, self-supporting; nor is there an institution for the education of the deaf and dumb, or of the blind, in any part of the world, so far as we are aware, the pupils of which contribute by their labor, in any considerable measure toward the expenses of their education.

A reduction in the expenses of the Blind Asylum might be effected by lessening the number of teachers and curriculum of study—confining the pupils to the usual branches taught in our common schools, and employing more of their time in the mechanical branches, but the committee are divided in opinion as to the effect this change would have "in improving the usefulness" of the institution.

While, therefore, on the one hand, it can not, in the judgment of your committee, be expected that the pupils of these institutions should be able to support themselves during a course of education, on the other, it is exceedingly desirable that they should have every facility for self-maintenance after it is completed. There seems indeed to be no propriety in classing either the deaf mutes, or the blind, certainly not the former, among the number of unfortunates, who from necessity are to be wholly or in part, a burden upon the community. They are dependent upon the State, for a suitable education, as are the greater portion of the children of the commonwealth who are not subjected to these infirmities. From their isolated condition, and the peculiar instruction they require, it is advisable for the sake of economy and efficiency, to collect each of these classes respectively into a distinct school, by itself, and this involves the expense, for the time being, of their maintenance. But if their education is properly conducted and consummated, they need not, and, in fact, rarely do become a charge upon the State. They take their place among the productive classes, and become tax-paying citizens. Nineteen out of twenty, and probably ninety-nine out of a hundred deaf mutes, with a knowledge of a good trade, can earn their own support. The last Report of the Superintendent of our Institution for Deaf Mutes, presents facts which are entirely conclusive on this point. From statistics on the subject, we learn that at least three-fourths of the male blind children, and one-third of the females, can sustain themselves, unless disabled by some infirmity other than blindness.

In view of these facts, your committee regard the imparting to these children instruction in some useful trade, as a matter of great importance

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The experience of similar institutions in other States has abundantly shown that such instruction involves but little, if any additional expense, and that a competent knowledge of a trade may be acquired, while the child is in school, without detriment to his intellectual progress. If the misfortune of these children renders them proper objects of relief from the State, this relief should be as complete as possible, and extend not merely to their intellectual training, but should give them the means of earning their support, after they leave school.

Your committee are happy to note that the legislature has long since adopted this most judicious policy. In the institution for the blind, trades adapted to the peculiar wants of blind persons, have been successfully taught for many years. Instruction in some trade was formerly given as a part of the regular course, in the institution for the deaf and dumb and was only discontinued under the pressure for want of room. To meet this want, the last general assembly authorized the erection of a building to be expressly fitted for the introduction of trades. This building is spacious and substantial, and apparently well adapted for its intended use. The present crowded state of this institution, however, precludes its being appropriated, as yet, to this purpose. It is now occupied by the male pupils as a study-room and dormitory, and cannot be used for shops until a new building, which seems indispensably necessary for the accommodation of the family, shall be completed.

The committee would call the special attention of the legislature to the present condition of this institution. Not only is the main building now occupied out of repair and greatly crowded, but the mechanical training of the pupils, which is so essential to their success in life, is and must be entirely neglected, until more extensive accommodations are provided for them. Upon the completion of a building for the occupancy of the family, such trades, both in number and variety as are suited to the wants of deaf mutes can be immediately introduced. The importance to them of this branch of their education should doubtless have its influence upon the question of speedily providing this institution with the buildings it needs.

To the propriety of requiring such parents or guardians as are able, to pay the cost of their children's education, as recommended by our chief magistrate in his last annual message, there are, in the minds of your committee, serious objections. These children, from their peculiar misfortune, have received, and can receive no benefit from the educationa[1]

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funds of the State, and would therefore seem to have a claim to relief from some other source. Many of them are the children of the poor, who are entirely unable to defray the expense of their education. A considerable number are children of the most worthy and respectable citizens, who while able to provide comfortably for them at home, would feel seriously embarrassed by the necessity of paying the amount in cash for any one child, which such an arrangement would require. To oblige these persons to present a certificate of poverty, signed by several of their neighbors, in order to secure for their children the benefits of instruction, would be, in no small degree, offensive. Rather than submit to so unpleasant a necessity, it is to be feared that many parents would allow them to remain in ignorance, or materially curtail the period of instruction they should begin.

The requirement would also seem to be unjust. The burden of the support of these institutions, if it is worthy of such a name, must, after all, come upon the wealthy. Every citizen must pay according to his means; those possessing most, bearing the largest share. This latter class, however, are the very persons whom this requirement would tax over again, in case they are so unfortunate as to have children who need the benefit of the institutions they sustain. It would also tend to foster distinctions among the inmates of the schools, which are repulsive to the feelings of our people, and which should find no place or encouragement in our systems of education.

But the most fatal objection, in the opinion of your committee, to such a requirement, is, that it has already been shown by experience to be productive of no beneficial results. All the benevolent institutions of the State were opened upon this principle. In all its operation was seen to be deleterious and offensive, and it was for that reason abandoned. At the time the law was changed in relation to the institution for the deaf and dumb, five years since, there were but *two* paying pupils. The distinction between indigent and paying pupils was abolished in the institution for the blind in 1851, eight years since. Of the one hundred and eighty-two pupils resident in the State, who had been instructed previously to its repeal, only *five* had been sustained by parents or friends. While the pecuniary returns obtained by this regulation were so insignificant, its influence in keeping at home many unfortunates who should have enjoyed the benefits proffered by the institutions was most

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marked and constantly felt. In our sister States, the benefits of such schools, like those for imparting education to other children, are open to all who need them. In the judgment of your committee, it should continue so in our State. For the reasons given, the committee cannot recommend the re-adoption of the requirement under consideration.

In view of the whole subject, your committee would remark that, we must look for an equivalent for the time and money expended in the training of the deaf and dumb and the blind, as in the hearing, speaking, seeing child, after his education is finished and he is prepared to take his place in society as an intelligent citizen. We expect, in the latter case, the matured and well-stored mind, the well-balanced judgment, the habits of application and industry, the active muscles, and the steady will, after culture has done its creating work upon him. So it is with the deaf and dumb and the blind. Give these children a proper and sufficient education—cultivate their minds, draw out, direct and discipline their moral feelings—give them instruction in some profitable handicraft, and then, with all their disadvantages, they will act well their part upon the arena of life. You will not find them in the infirmary, living idly upon the charities of the frugal and industrious; nor in the penitentiary to atone for their crimes against society; nor miserable idlers, corrupting others and being corrupted by them. In place of this, out of unfortunate, ignorant, dependent, unhappy beings, you will have made intelligent, industrious, independent, happy citizens of the State.

In conclusion—your committee find pleasure in commending these institutions to the favorable consideration of the legislature. They are evidently doing a work for humanity, in which every benevolent heart must rejoice. Of all the burdens incident to our civil organization, we believe these are the least felt and the most cheerfully borne. Established by the people of the State for the relief of their unfortunate children and fellow citizens, they alone reap the rich benefits they confer. While they will insist that these institutions shall be efficiently and economically managed, and after careful examination, your committee believe them so to be, they are ready to give them a hearty sympathy and a liberal support.

Respectfully submitted,

LEWIS SLUSSER,
G. P. ASHMUN,
E. BASSETT LANGDON,
JAMES SAFFIN,
JAMES MONROE.

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REPORT OF SELECT COMMITTEE,

APPOINTED TO VISIT THE CHARITY SCHOOL OF KENDAL, IN STARK COUNTY.

The select committee appointed by Senate joint resolution, "to visit the Charity School of Kendal, in Stark county, and to examine the books and papers of said school, its financial condition and present management, and report what legislation, if any, is necessary to make said school more efficient," respectfully

REPORT:

That they have, in accordance with said resolution, made an examination into the affairs of said school, from the date of the original endowment up to the present time, so far as the same could be done. During the earlier portion of the time embraced in said examination the financial matters of said school were kept in so imperfect a manner, that your committee found it difficult to arrive at very definite conclusions; but as nearly as they can ascertain, the amounts paid by the executors of Charity Rotch to the trustees of said school, were as follows:

May 16, 1827	$10,827 28
Jan. 1, 1829	8,557 52
April 11, 1830	665 34
Making in all	$20,050 14

The trustees of said school, in the year 1834, purchased a farm on which the school is now located, containing 180 acres, situated about one mile from Massilon, in Stark county. For this land they paid $2,750.

Previous to the erection of the buildings on the farm, the school was taught in buildings rented for the purpose, for about five years, commencing in 1829, and ending in 1834. In the latter year the school was discontinued, and was not again opened until about the year 1844, since which time it has been kept without interruption.

Buildings have been erected on the farm, consisting of a good three-story brick, in which the school is now kept, and which furnishes very

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respectable accommodation for the school and family. There is also a barn of good size and construction, and all the necessary out-buildings.

The barn first erected, was destroyed by fire, by which a loss of some $2,400 was sustained. The present barn was erected in its place in the year 1857.

As nearly as your committee could ascertain, the amount expended for buildings and improvements on the farm, is about $12,000. This amount, in the opinion of a portion of the committee, is more than the improvements should have cost; but for reasons before referred to, it was impossible for us to form an accurate data of the expenditures in this respect.

During the early period of the existence of the school, and up to the year 1854, the acting trustee was Arvine Wales, one of the executors of Mrs. Rotch. Mr. Wales, no doubt had, more than any other person, a lively interest in the welfare of the school, and bestowed a large portion of his time in attending to its affairs—in fact, managed it almost entirely himself. The other trustees, from time to time, appear to have been entirely willing that he should assume the responsibility in the matter, and in the opinion of your committee, it was, on the whole, well managed. But Mr. Wales, although a careful and prudent man, was not in the habit of keeping a very close record of his proceedings; and as nearly as your committee could ascertain, it was his custom to state generally, the items of the receipts and expenditures at each meeting of the trustees, and the accounts for the time which had elapsed since the previous meeting, were thus settled between the acting trustee and the balance of the board; and being settled, they do not appear to have deemed it important that any record of the settlement should be preserved. This mode of doing the business, appears to have been adopted without any reflection on the inconvenience, in after times likely to result from it, and is certainly very unsatisfactory, although your committee have no doubt—looking at the present condition of the funds, and taking into consideration all that we were able to learn in relation to the matter, by the imperfect record kept—that Mr. Wales had the good of the school sincerely at heart, and on the whole, managed its affairs as well, probably, as they would have been, if conducted with more system and regularity.

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Since the decease of Arvine Wales, his son, Arvine C. Wales, Esq., has had in his hands the management of the school and its funds to about the same extent as his father had during his life time; and it gives your committee great pleasure to state that while he has evinced the same lively anxiety for the welfare of the institution as his father, and has given his time and abilities freely to it, he has reformed the defect spoken of as to the previous management, and keeps the accounts of the institution in a very business like and satisfactory manner, so that your committee were able to arrive at conclusions readily, as to the present condition of the fund.

The funds of the institution were loaned during the management of the elder Wales, upon notes bearing interest at seven per cent. and with security, either personal or by mortgage on real estate. Under the present management, that mode has not been changed; indeed the same loans continue to exist. So far as the committee were able to judge, they appear to have been judicious, and the losses thus far very trifling. The assets of the institution as furnished us, is as follows:

Real Estate (180 acres) with improvements	$14,400 00
Moneys loaned	28,560 00
Making assets	$42,960 00
The debts are about	417 00
Leaving net Assets	$42,543 00

Mr. Wales is of the opinion that the notes and mortgages are at present worth something over $28,000, in other words, that there could be that amount realized from their collection.

Since the institution of the school, it has been taught about nineteen years, generally having the full complement of scholars, to-wit: 40—20 of each sex. During that time it has educated and discharged about 150. The term is four years. They receive ten, and discharge the same number each year. It is not confined in its charity, to the county or State, but designed for the education of destitute orphans. The course of study is the same as that pursued in our common schools, but more perfect.

Mr. Ira M. Allen has at present charge of the school. He has the proceeds of the farm, and receives in addition a salary of $1,500 per year.

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For this he is required to board, clothe, educate, and furnish the medical attendance requisite for all the pupils, they assisting in the general labor of the farm and house. The pupils appear healthy and cheerful, and so far as your committee could ascertain, they believe that the institution fully answers the charitable intentions of the lady by whose benevolence it has been created. As a self-sustaining institution, we regard its management as worthy of serious study by those unwilling to believe that institutions of a somewhat similar character can be made self-supporting.

Under the act of incorporation, the Trustees of the fund, five in number, were appointed by the legislature for five years, or until their successors were appointed and qualified. This course was continued after the adoption of the new constitution—the last appointment being that of Arvine C. Wales, April 7, 1856.

The committee, unable to agree in reference to the authority that should exercise this appointing power, conclude by recommending that the institution be placed under the act "to provide for the government of schools and academies specially endowed," passed March 26, 1856, excepting so much of said act as relates to the appointing power, leaving that to be determined by the action of the legislature, and the committee ask to be discharged from the further consideration of the matter.

All of which is respectfully submitted.

T. W. CHAPMAN,
J. E. CHASE,
G. P. ASHMUN,
J. A. AMBLER,
LEWIS SLUSSER.

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REPORT OF SELECT COMMITTEE,

RELATIVE TO MANUFACTURING COAL GAS IN THE PENITENTIARY.

The select committee to whom was referred Senate Joint Resolution, No. 72, relative to the manufacture of coal gas within the walls of the Penitentiary, for the use of the prison, with instructions to inquire into, and report as to the propriety of manufacturing gas at the prison for the use of the State House and different benevolent institutions, have had the same under consideration, and submit the following report:

They find from the special report of the Directors and Warden of the Ohio Penitentiary, that the amount of gas consumed in the Penitentiary, from the first day of November, 1857, to the first day of November, 1858, amounts to the sum of		$2,295 80
Cost of fuel for same time		600 00
Labor of three prisoners sawing and preparing wood, keeping up fires, &c., 40 cents per day		438 00
		$3,333 80
Being present cost per annum, for lights, fuel, &c., used in the Penitentiary.		
Estimated annual cost for manufacturing gas if the necessary works were erected, including heating water for laundry, cooking, and bathing purposes, as estimated	$650 00	
To which we have added 33 per cent. to cover possible contingencies	216 66	$866 66
Which deducted from the present cost as shown above, being $3,333 80 would be a saving to the State (if those estimates be correct) of		$2,467 14
The estimated cost of gas works of sufficient capacity to manufacture the amount of gas at present consumed in the prison		$2,300 00

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Thus if the estimates reported to your committee be correct (which they think they have received from a reliable source) would show a saving to the State of over the entire cost of the works in one year including the work that could be done by convict labor in erecting the gas works.

Your committee have also received statements from the State House Commissioners and the Superintendents of the different benevolent Institutions, showing that the amount paid for gas from the first day of November, 1857, to the first day of November, 1858, including the Penitentiary, amounts in the aggregate to the sum of .. $7,242 78 as follows:

Penitentiary	$2,295 80
State House	3,403 15
Lunatic Asylum	1,099 88
Deaf and Dumb Asylum	211 15
Blind Asylum	142 50
Idiotic "	90 30
	$7,242 78

Your committee have also procured some estimates as to the cost of pipes, and laying them down from the Penitentiary to the State House and the different benevolent institutions, and find from the estimates received, that it would cost in the aggregate about..... 5,132 66

The estimated cost of gas works of sufficient capacity to manufacture gas for all the State buildings..... 12,500 00

Buildings necessary..... 750 00

$18,382 66

The foregoing calculation in relation to the manufacture of gas for the Prison, is based on the estimate of 75 cents per thousand cubic feet for manufacturing after the necessary apparatus is erected, (which is lower than some other estimates which we have received,) to which we have added, as shown above, 33 per cent. to cover possible contingencies which increases the estimate above any that we have received.

In view of the enlargement of the Penitentiary and of the probable amount of gas necessary to be consumed per day, if the prison were so enlarged, we have procured the estimate of a civil engineer of experience in the manufacture of coal-gas, he having built the gas works in the cities

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of Cincinnati and New York, which estimate is based on the consumption of 3,000 cubic feet of gas per day, and which is as follows:

Estimated expense attending the manufacture of 3,000 cubic feet net of coal gas per day, viz:

3 $\frac{95}{100}$ cubic feet of gas per pound of coal, and coal weighing 70 pounds per bushel.

395)3,000(760 pounds, (nearly).

70 pounds)760 pounds (11 bushels).

11 bushels coal, 16 cents	$1 76
1 bushel lime	10
8 bushels common coal, 9 cents	72
2 hands, convict labor, 40 cents	80
Wear of apparatus 10 per cent	36
Condensation, 5 per cent	18
	$3 92
Cr. by 16 bushels coke, 10 cents	1 60
	$2 32

Net cost of manufacturing 3,000 cubic feet of gas, which is equal to 80 cents per thousand, nearly, and for which the State now pays $3 per thousand, which is equal to 26 per cent. of the present cost, and if the quantity were largely increased, the ratio would be lower.

The cost of pipes and laying them down from the Penitentiary to the State House and the different benevolent institutions, added to the increased cost of gas works of sufficient capacity to manufacture gas for all the State buildings, does not show the same proportionate saving to the State to manufacture gas for all the State buildings as it does to manufacture gas for the State Prison alone, for two reasons: First, the pipes are now laid in the Penitentiary, which is a heavy item in the first expense; and secondly, it is proposed to heat the water for laundry, cooking and bathing purposes by the aid of water cocks inserted in the retort benches, and conveyed by pipes from the same, which is estimated as a saving to the State in fuel, labor, &c., of over six hundred dollars. And although the figures show a great saving to the State in the manufacture of coal gas for all the State buildings, and particularly for the Penitentiary and State House, which might, we think, be done to advantage within the walls of the prison by convict labor. Yet, by adding about five hundred dollars to the estimated cost of erecting gas works of sufficient capacity to manufacture gas for the present wants of the

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prison, the works may be so constructed as to be hereafter enlarged of sufficient capacity to manufacture gas for all the State buildings without a loss to the State of the additional expense now incurred, should the next or any future legislature conclude to enlarge the same.

The committee are not unanimous as to the extent that the works should be erected at this time, yet they are unanimously of the opinion that an appropriation should be made to erect gas works within the walls of the prison of sufficient capacity to manufacture gas for the present and prospective wants of the same, and in such manner as that they may be enlarged, as herein contemplated.

Your committee recommend the adoption of the resolution herewith reported as a substitute for Senate resolution No. 72.

DAVIS MILES,
E. BASSETT LANGDON,
W. P. KINCAID,
WM. S. HATCH,
H. CANFIELD.

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REPORT

OF THE

STANDING COMMITTEE ON CLAIMS.

The standing committee on Claims, to whom was referred the memorial of Greenwood and Fifield, praying for the payment, by the State, of a balance alleged to be due them on a certain contract entered into by them, for furnishing and putting up warming apparatus in the Ohio Central Lunatic Asylum, and for extra labor and material used in and about said asylum, have duly considered the same, and report as follows:

On the 28th day of May, 1853, E. Kendrick, Superintendent of the Ohio Central Lunatic Asylum, acting in behalf of the State, entered into a written agreement with Messrs. Greenwood & Fifield, of Cincinnati, by which the latter bound themselves "to construct, or cause to be constructed, at said Ohio Lunatic Asylum, in the city of Columbus, a good and sufficient apparatus for warming the said asylum by steam and hot water, in a satisfactory manner, according to the plans and specifications set forth more fully in papers marked Nos. 1 and 2, and attached to this instrument, as forming a part of this contract hereby agreed upon, and to complete or cause to be completed, said heating apparatus, on or before the first day of October next." It was also agreed as follows: "The said party of the first part agree to, and do hereby guarantee, that said apparatus shall be made and put up in the best workmanlike manner, shall be equal to any other in the United States, and shall warm all the apartments in said asylum, into which the heat is conducted, in a good and sufficient manner, at all seasons of the year," "They further agree to superintend the adjustment and construction of flues in the dormitories and ventilators, so as to use the flues already in the walls, to the best advantage for that purpose, and to put in coils of pipe for that purpose." In consideration of which, the State was to pay said contractors the sum of ten thousand three hundred and thirty-six dollars, ($10,336,) as follows, to wit: "Two thousand dollars ($2,000) on delivery of the principal part of the pipes and fittings; three thousand

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dollars ($3,000) on delivery of the boilers, and the other work in progress; three thousand five hundred dollars ($3,500) when the apparatus is finished and in successful operation, to the satisfaction of said Superintendent—the balance on the first of February, A. D. 1854, and to bear interest after said day, if not then paid; said balance to be paid out of appropriations hereafter to be made by the General Assembly of the State of Ohio."

Under this agreement said Greenwood & Fifield proceeded to furnish and put up in said asylum said heating apparatus as stipulated in said contract, and in a manner acceptable to the agents of the State, except in the following particulars: By direction of the superintendent of the asylum, "the coils of pipe," which, by the contract, was to be inserted in the flues for purposes of ventilation, were omitted. These were proved to be worth one hundred dollars, ($100,) which ought to be deducted from the contract price. In the next place, the forcing pump, used for pumping water from the well and forcing it into the boilers, water-tanks, &c., proved insufficient, so that the officers of the institution were obliged to obtain another of greater power, at an expense of about two hundred and seventy dollars ($270.) On this account it is deemed just to make a further reduction of one hundred dollars ($100.) Again, said contractors originally used in said asylum wooden registers, which were found not to answer the purpose intended, and iron ones were afterwards procured at an expense to the State of four hundred and seventy-four dollars ($474.) Your committee are of opinion that, in order to make said heating apparatus "equal to any other in the United States," these registers should originally have been of iron; they think, therefore, that this last amount ($474) should likewise be deducted. It appears, also, that the work under the contract that should have been completed by the first of October, 1853, was not finished till several months afterwards. The account under the contract therefore stands as follows:

Total contract price		$10,336 00
Deduct for coils of pipe, omitted	$100	
" for deficiency on pump	100	
" amount paid for registers	474	
Total deductions		674 00
Balance on contract price		$9,662 00

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In addition to the labor and material furnished under the contract, as above specified, the claimants furnished other material and labor for said asylum, under the direction of the superintendent and trustees, principally in the construction and fitting up of the water closets and laundry, to the amount of twenty-five hundred and forty-eight dollars and twenty-three cents ($2,548 23). Your committee have very thoroughly and critically examined all the items entering into this last amount, having examined several witnesses, under oath, in relation to it, and are satisfied that it is correct and ought to be allowed. The aggregate value of the labor and material furnished and used for said asylum, under said contract and otherwise, which your committee think ought to be allowed, is as follows:

For heating apparatus, under contract	$9,662 00
For extra labor and material, not under contract	2,548 23
Making a total of	$12,210 23

Upon this amount the State has made sundry payments as follows:

1853, June 20, cash on contract	$2,000 00	
" July 29, " "	3,000 00	
1854, May 4, cash on extra labor, &c	953 52	
" May 5, cash on contract	2,500 00	
Making total of payments		$8,453 52
Leaving balance due said claimants of		$3,756 71

A large part of the above amount charged for labor and materials not included in the contract, accrued as late as the summer of 1855. The reason why this claim was not audited and settled on the completion of the work is as follows: Soon after the completion of the work, a controversey and litigation arose between the partners in the firm of Greenwood & Fifield, in regard to this claim, in the course of which each partner got the agents of the State enjoined from settling with or paying the other. This litigation resulted in a judgment in favor of Miles Greenwood, May 2d, 1856, to whom it is understood the claim now belongs. That the claim was not settled and paid during the pendency of this controversy was no fault of the State. A majority of your committee are of opinion that interest ought to be paid on the above balance since the

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termination of said litigation. Your committee therefore ask leave to introduce a resolution in accordance with the views above expressed.

J. N. WESTCOTT,
R. W. TAYLOR,
DAVIS GREEN,
HENRY SHIDELER,
Standing Committee on Claims.

I concur in the above report with the exception of the allowance of interest, in which I cannot concur.

W. H. SAFFORD.

Resolved, That the standing committee on Finance be and they are hereby instructed to provide, in the general appropriation bill, for the payment of the claim of Miles Greenwood, amounting to the sum of three thousand seven hundred and fifty-six dollars and seventy-one cents ($3,756 71), with interest from May 2d, 1856, to be received by said Greenwood in full, for his claim for heating apparatus, labor and material, for the Ohio Central Lunatic Asylum.

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REPORT OF THE STANDING COMMITTEE ON TEMPERANCE.

The Standing Committee to whom was referred the memorials, asking for the submission of an amendment to the Constitution, authorizing the granting of license to sell intoxicating drinks, submit the following report:

Your committee, fully aware of the importance of this subject, have endeavored to give it a serious, candid and dispassionate consideration.

Much has been said and written on the use and abuse of stimulants, but this branch of the subject we do not propose to discuss at any length. History informs us that the use of stimulants as a beverage, is almost coeval with the existence of the human race. The natural "instinctive ingenuity" of man, has in every age of the world, and in every condition of life, whether barbarous or civilized, discovered means of obtaining from objects around him, some kind of stimulants.

The existence and exercise of this "instinctive ingenuity," and the universal desire manifested for the use of stimulants, "by saint, by savage, and by sage," has induced the belief that there is a constitutional necessity for their use. The numerous causes that are unceasingly operating to disturb the equilibrium of health, the active and busy cares of life, which tends to over-tax the bodily and mental energies, render the temporary use of stimulants oftentimes necessary. In the many "ills that human flesh is heir to," and especially in exhausted and debilitated conditions, stimulants are of incalculable benefit; and science has yet to discover any substitute for their use under such circumstances. And the opinion will scarcely be doubted that, so long as man's physical organization remains unchanged, he will continue to use some kind of stimulants. But we must here disclaim any intention to advocate the intemperate or indiscriminate use of stimulants, or to favor the idea that they are necessary to persons in a state of health.

The evil effects of stimulants has arisen from their abuse; for if their

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moderate use had never been transcended, it is obvious that no injury from this cause would ever have resulted to individuals or society. But the proneness of mankind to run into habits of excess in the use of stimulants, has rendered their abuse in all times, a grievous and desolating evil, wasting the means, and ruining the health and happiness of countless thousands.

The magnitude and universal prevalence of these evils, has called forth the exertions of philanthropists, politicians and governments, to devise a remedy, and the problem, as to what is the best remedy for these evils, still remains unsolved.

The exercise of governmental authority to suppress drunkenness, and prohibit the use of intoxicating drinks, is by no means a modern experiment. More than two thousand years before the Christian era, the Chinese government enacted penal laws against intemperance, punishing drunkenness with death, and prohibiting the cultivation of the vines and vegetable substances, from which stimulants were manufactured.

The Grecians, Romans and Carthagenians, enacted similar laws. Mahomet, Constantine and Charlamange, exercised the high authority they possessed over their subjects, to banish intoxicating drinks. History informs us that these laws failed of accomplishing their object—that the inhabitants of these countries and the generations that have followed them have ever since continued in the excessive indulgence of intoxicating drinks. In more modern times, England and Scotland have resorted to legal enactments against intemperance, with a similar result.

In our own country when the evils of intemperance have been seriously felt and much deplored, much commendable zeal and effort has been expended in behalf of temperance reform.

The first important movement to this end in this country, was the organization of temperance societies more than a quarter of a century ago. During their successful operation, much good was accomplished, the true principles of temperance was fast gaining ground, the habits of the intemperate were becoming reformed, and a visible diminution in the consumption of intoxicating drinks, and the evils of intemperance, was everywhere felt and acknowledged.

But the over-zealous friends of temperance, not content with the progress temperance reform was making through the agency of the temperance pledge and "moral suasion," urged the use of "legal suasion," as being the only effectual measure, of speedily exterminating the evils of intemperance.

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The New-England States were the first to move in this modern scheme of reform. Massachusetts began by enacting laws to restrain the retail of ardent spirits, and as the laws were evaded or found inoperative, more stringent ones were enacted. At length, in the State of Maine, the zealous friends of temperance, after much political excitement, enacted a prohibitory law, which imprisoned a traveler in whose possession was found ardent spirits of any kind, and confiscated the article. Other States followed this example, and enacted similar penal laws, and the statute books of many of the States are now encumbered with enactments against intemperance.

The present liquor law in our own State, though not prohibitory, but aiming chiefly at the suppression of dram shops, was enacted in obedience to the same public sentiment that was impelling legislators to bring "legal suasion" to the aid of temperance reform. We believe this law to have been enacted through motives of philanthropy and patriotism, and with an honest conviction that it would prove an efficient means in mitigating the evils of intemperance.

When this law went into operation, the friends of temperance in most parts of the State made vigorous efiorts to enforce it, and fully test its efficiency. Prosecutions for violations of the law were numerous in all parts of the State, and in many instances they resulted in the conviction of the offenders. But it soon became apparent that many difficulties attended the faithful and efficient execution of this law. The inconsistent and impractical character of the law, the determined efforts at its evasion—the unwillingness of witnesses to testify against the defendant, unless when actuated by feelings of malice or revenge, the aversion of juries to return a verdict of guilty, when the penalty was disproportionately severe to the offense—and the lack of public sentiment to sustain the law, has rendered it, in a great measure, inoperative. With these difficulties everywhere occurring, it was soon found that much troublesome, vexatious and expensive litigation was the unavoidable consequence of the attempted enforcement of this law. What little restraining power the law at first exerted, was soon lost, and it may now be affirmed that the law is scarcely anywhere enforced within our State, but is almost everywhere disregarded, and openly violated with impunity. This is the deplorable experience of this State in the trial of penal enactments against the abuse of alcoholic liquors, and such is the uniform experience of every State in this Union where similar laws have been tried.

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If penal enactments had, or where likely to succeed in lessening the consumption of alcoholic drinks, and diminishing the amount of pauperism and crime consequent thereto, they should receive the earnest cooperation of every good citizen. But we believe it has been abundantly demonstrated by the most ample experience, that such enactments have been fully and fairly tested in this and other countries, and have proved a signal failure; and such must ever be the effect of laws to coerce the people either into temperance or good morals.

Not only have legislative enactments been impotent for good in the cause of temperance, but, on the contrary, they have been mischevious in their consequences. Perhaps no cause has suffered more from fanaticism and unwise legislation, than that of temperance. Through a mistaken zeal, the friends of temperance have sought to treat all stimulating drinks, and in any quantity, as poisonous—their use to be condemned, and prohibited by law under all circumstances, excepting only for medicinal and mechanical purposes, and that it is an imperative duty for all persons to deny themselves the use of all kind of stimulants, because there are some who will use them to their injury or destruction.

If it is right and proper thus to condemn and prohibit by law the use of one necessary article, because evil flows from its abuse, many other necessary articles for the same reason, would be the subject of prohibitory legislative action. This would lead to the regulation of the diet and regimen of people by government; for, if it is within the proper exercise of the true functions of government to prohibit articles of drink, it is equally so of articles of food; yet it is manifest that these are questions which it is the right and province of every individual to decide for himself.

Led on by this spirit of fanaticism, legislators have gone beyond the true scope of legislative authority, and enacted laws which invade the recognized principles of natural right, and which loses sight of the plain operations of human nature. It is obvious that all laws which infringe upon personal right, or which unnecessarily restrains the discreet and law-abiding citizens, will never be regarded or enforced in a community like ours, who are jealous of any encroachment upon their personal liberty.

This exclusive reliance of the friends of temperance on penal enactments, has had the effect to entirely suppress "moral suasion," which should ever be regarded as the great lever to carry on any moral reformation. We think it too manifest to be controverted, that this intem-

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perate zeal of the friends of temperance which has led to the enactment of unwise and impracticable laws, has brought about a reaction in the public mind, that in consequence of which, we have relapsed into a worse condition of things than existed before the temperance reform began.

We see all around incontestible evidence of the fact that intemperance has fearfully increased in this country in the past few years. The reaction that has followed the over-done efforts of the friends of temperance, and the utter disregard of all laws on the subject, has brought us to the worst practical condition of free trade in liquors. The custom now so prevalent, of consumers of intoxicating drinks purchasing by the quantity, and carrying it about their persons, or keeping it at all times convenient for use, is one of the legitimate effects of the liquor laws. It is also a deplorable fact, that tippling houses are rapidly multiplying all around us. In the city of Cincinnati, it is estimated that there are over sixteen hundred establishments where intoxicating drinks are openly sold, besides hundreds of others, where a more clandestine traffic is carried on, and the proportion is probably not much less in the other cities of the State, for in every village and hamlet in the country they are as numerous as any other places of business.

Our own State is but a fair illustration of the condition of things that exist in every State where stringent laws against intemperance have been enacted. In the city of New York, a recent estimate places the number of dram shops at the almost incredible number of 7,779, "being one to every fifteen and a half families." The same is likewise true of the New England States.

In view of the increasing evils of intemperance, the important and embarrassing question is forced upon our consideration, what shall be done to mitigate these evils?

Is it the part of wisdom to maintain a "masterly inactivity," and rely upon the present law? We answer most emphatically no. What good can be expected from a law that has proved inoperative and powerless, which is every day openly violated with impunity? And such is the disrepute and odium into which this law has fallen in public estimation, that no modification of it will prove any more useful or efficient.

There are still some advocates of a prohibitory law, but such an extreme measure would in our opinion prove unwise and wholly impracticable. The legislature, under the constitution, possesses no power to pass prohibitory laws upon this subject, and to invest it with such power would not only be impolitic, but dangerous.

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If a restrictive penal enactment against the use of intoxicating drinks becomes inoperative, and a dead letter on our statute book, how can it be expected that a prohibitory law, with its sanguinary penalties, provisions for confiscation, and its violations of individual rights, could be respected or enforced? Public sentiment in this country will never sustain the exercise of such legislative power.

Our deliberate judgment impels us to act in obedience to the numerous petitions sent to the General Assembly from all parts of the State, by the true friends of temperance, requesting the submission to the people for their decision, the question of granting license to sell intoxicating liquors. We believe that a large majority of the people of the State, and of the friends of temperance, have lost all confidence in the efficacy of penal or prohibitory enactments to remedy the evils resulting from the abuse of stimulating drinks, and are solicitous to try again the effect of the license system.

From a careful and full examination of this subject, we are firmly persuaded that the license system, under wise and wholesome restrictions, will prove the most efficient measure within our knowledge of mitigating the evils of intemperance.

Although, as an abstract question, we would not contend that the license system is free from objections, yet, our experience with it, as well as that of other States that have never abandoned the system, evinces that license laws can be enforced, and that they exert a salutary influence. By a well regulated license system that can be enforced, the sale of intoxicating drinks can, in a great measure, be restricted and placed in the hands of persons who can be made responsible for the manner in which the traffic is conducted; and that the traffic in place of being an expense will be the source of no inconsiderable revenue.

It is chimerical to expect that any influences or combination of influences that may be devised, will banish from society the use of intoxicating drinks as a beverage. We should, therefore, aim at what is practicable, and nothing more—to restrain excesses and mitigate abuses. To this end, we would consider the substitution of fermented liquors in place of distilled, as a beverage, as a valuable measure in aid of temperance. In support of this we have only to look to the habits of the people in the vine-growing countries of Europe, where mild stimulant drinks are habitually used. It is a common remark of travelers, that intemperance is far less common in such countries than in those where distilled liquors is the customary beverage.

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In Spain, France, Germany, Italy and Hungary, where no legal restraints are imposed upon the use of stimulants, and where the people are habituated to the use of the mild wines and light beers of those countries, proofs of intemperance are rarely witnessed on any occasion.

The committee concur in recommending the submission of the accompanying proposed amendment to the constitution.

A. L. CASS,
E. M. PHELPS,
R. McKELLY.

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MAJORITY REPORT

OF THE

SELECT COMMITTEE ON THE CLAIM OF SAML. KETCHUM.

A majority of the select committee to whom was referred the memorial of Samuel Ketchum, Treasurer of Coshocton county; the testimony submitted by him; the memorials of sundry citizens of said county, and the proceedings of a public meeting held in said county, make the following

REPORT:

The committee have given the subject very careful attention, especially as a case of first impression under the act passed at the former session of this General Assembly, entitled "an act to establish the Independent Treasury of the State of Ohio," passed April 12, 1858.

Your committee, upon a careful examination of the testimony adduced before them, find the following to be the facts in the case:

At the time of the robbery, viz: on the 21st of January, 1859, the Court of Common Pleas of said county had been holding a regular term, at which were present a number of witnesses from the county of Muskingum. The sitting of the court was late on that evening. The Treasurer was desired to pay them off that evening, so that they could depart by the 11 o'clock P. M. train. The Treasurer had been in a habit of closing his office at about 5 o'clock P. M.; but on this occasion, at the urgent request of persons interested, and upon the advice of the Auditor of the county, he kept his office open to pay off the witnesses, who, otherwise, would be detained another day, without any allowance.

The Treasurer, acting upon this advice, re-opened his office for that purpose, when three persons came in, inquiring for certain taxes, and availing themselves of the opportunity—as he proceeded to examine his books—covered his head with a shawl, gagged him, bound him hand and foot, drew his head and knees together with a rope, dragged him behind his counter, and detailed one of their number to hold him down, so

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choked and gagged, while the others took from his pocket the key of the safe, and robbed it of its contents. Having put out the lights, they left him, tied and gagged in that very painful and dangerous condition, locking the door as they went out. He was discovered and released about one o'clock, in a very exhausted state.

The amount of money thus abstracted from the Treasury, is shown to be about twenty-two thousand and fifty dollars; nearly all of which was State and Common School funds.

The committee are satisfied that the funds of the county had been properly kept by the Treasurer, in conformity with law; that the usual practice of the Treasurer, in closing his office, had been prudent and correct; that the departure from his habit, in this particular instance, was, under all the circumstances, natural and excusable, although, in the judgment of your committee, not to be approved.

Your committee are satisfied that the Treasurer is honest, and that there are no reasons to suspect, in any way, any collusion or complicity of the Treasurer with the robbers.

The next question for the consideration of the committee is, in what situation or relation does this state of facts bring the Treasurer to the State and other public authorities in regard to the moneys so lost.

The Supreme Court of the State of Ohio, in the case of the State of Ohio *vs.* Harper and others, (6 Ohio State Reports,) have determined upon a bond executed under the same statute as the bond of this Treasurer; that it is, in effect, an insurance against the delinquincies of himself and against the faults and wrongs of others, in regard to the trust placed in his hands. He voluntarily takes upon himself the risks incident to the office, and to the custody and disbursement of the money. Hence, it is not a sufficient answer, when sued for a balance found to have passed into his hands, to say, that it was stolen from him; for even if the larceny of the money be shown to be without fault, still, by the terms of the law, and of his contract, he is bound to make good any deficiency which may occur in the funds which come under his charge.

Your committee are of the opinion, to say the least of it, that it is very doubtful whether any such defense can be made in the present state of the law, in action upon the official bond of the Treasurer, while it is manifest that the stringent penal enactments of the same statute, seem to allow of no escape.

The only remedy, as it seems to us, is an application to the General Assembly for relief. Your committee entertain no doubt of the power and the duty of the General Assembly in a proper case, clearly made

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out, to remit to such Treasurer the moneys due the State, nor of their power to authorize the local authorities to settle with and discharge such Treasurer from all liability as to that part of the public money due to them. The only safe policy, as it seems to your committee, in this class of cases, is to allow every case to stand upon its own merits, and to afford relief in each specific case as it may occur, and in the exercise of a sound discretion by the General Assembly when there appears to be no taint or suspicion of collusion, and no fault.

In conformity with these views, the committee beg leave to report the accompanying bill for the relief of the said Samuel Ketchum.

E. M. PHELPS,
A. L. CASS,
R. W. TAYLOR,
E. B. LANGDON.

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MINORITY REPORT UPON THE CLAIM OF S. KETCHUM.

The undersigned, member of the select committee to whom was referred the memorial of Samuel Ketchum, Treasurer of Coshocton county, the testimony submited by him, the memorial of sundry citizens of said county, and the proceedings of a public meeting held in said county, respectfully submits: That, upon the evidence submitted, he fully concurs in the report of the majority of said committee so far as it recites the facts connected with the late robbery of the treasury of said county, and fully indorses the conclusion of said majority, "that the funds of the county had been properly kept by the treasurer, in conformity with law," and "that the treasurer is honest, and that there is no reason to suspect, in any way, any collusion or complicity of the treasurer with the robbers." But he cannot concur in the legal conclusions to which the majority have arrived, nor in recommending the bill which they have reported. The case of "the State of Ohio for the use of Wyandot county, vs. George Harper and others," (6th Ohio State Reports, page 607,) cited by the majority, is not deemed in point, that case having arisen under the laws in force prior to the passage of the act "to establish the Independent Treasury of the State of Ohio," by which the duties of the county treasurers in relation to the safe keeping of the public funds, were materially modified, and which duties, in the opinion of the whole committee, were complied with and performed by the treasurer of Coshocton county. It is submitted that if the treasurer did his duty as prescribed by law, no liability accrued against him or his sureties by the happening of events over which he had no control, and which, in the exercise of reasonable dilligence, he could not have foreseen nor prevented. Before the passage of the Independent Treasury law, it was the duty of the treasurer safely to keep the public funds, and for the performance of this duty he executed his bond, which, in the

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language of the court in the case before cited, "is, in effect, an insurance against the delinquencies of himself, and against the faults and wrongs of others in regard to the trust placed in his hands." By the Independent Treasury law, his duties in this respect, are greatly modified. The second section provides that the safes, vaults, &c., provided by the county commissioners "*shall constitute the Treasury of the county*, and the public money paid into the county treasury, whether it belong to the county, State, or other party, shall be kept by the county treasurer *in the treasury of the county;*" and the third section requires the treasurer "*to keep safely in his treasury, without loaning, using or depositing in banks or elsewhere*, all the public moneys of whatsoever character, paid into such treasury, or otherwise at any time placed in his possession and custody, till the same is ordered by the proper department or officer of the State government, to be transferred or paid out acccording to law." By these provisions of law, the Legislature have determed *where and how the public moneys shall be kept*, and if the treasurer has complied with the law, have relieved him from responsibility upon his bond for their loss. It is not made the duty of the treasurer to guard the treasury against the assaults of midnight robbers and burglars, nor would it be just that he should be required to do so without adequate compensation. *The law considers the money safe when it is in the treasury*, and if the trersurer has placed and kept it there in good faith, it is submitted he is not liable further for its safety.

The undersigned cannot, therefore, agree with the majority of the committee, "that the only remedy is an application to the General Assembly for relief;" but, from what he has already stated, is of opinion that the treasurer may, in view of the facts stated, defend himself at law. Admitting the power of the General Assembly to interpose and grant relief, the undersigned cannot think it expedient, by legislative action, to supercede proper inquiry in the courts, if it should be thought advisable to investigate the facts judicially. Should a different view be adopted, and should it be held that the treasurer cannot defend himself at law, then it is submitted there should be further general legislation which will enable county treasurers to defend themselves in similar cases in the courts, and if the treasurer, in this case, should be held liable by judicial decision, it is submitted that it will then be time enough legislatively to interpose for his relief, by special enactment.

The undersigned is of the opinion that the treasurer should not be discharged by any action of the General Assembly, at this time, but

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should be authorized to make partial settlements, if not already authorized by law, paying over to the proper departments, the funds now in his hands, leaving to each fund, whether State, county, township or other fund, to bear its proper proportion of the loss occasioned by the robbery, and leaving the deficiency in the several funds to be made up by the State, county or other local organization in the proportions in which said funds have suffered loss respectively.

All of which is respectfully submitted,

JAMES J. WINANS.

March 3, 1859.

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REPORT OF THE SELECT COMMITTEE ON H. B. NO. 146.

The select committee of one, to whom was referred House bill No. 146, relative to the removal of the county seat of Perry county from the town of New Lexington, to the town of Somerset in said county, make the following report:

The four northern or Somerset townships, to wit: Reading, Thorn, Hopewell and Madison, are almost exclusively in favor of Somerset, and the nine southern townships, to wit: Pike, Bearfield, Monroe, Pleasant, Salt-Lick, Monday Creek, Jackson, Clayton and Harrison, are chiefly in favor of New Lexington.

This is admitted by both parties. From the nine southern townships we find remonstrances 2,202. From the north, or Somerset townships, petitions 1,924.

Upon a question of local interest so intensely exciting as the one under consideration, the undersigned conceives it to be almost morally impossible to get up petitions and remonstrances free from suspicion and charges of frauds; and we may the more naturally expect the accusations of fraud after two elections have been held, as in this case, at one of which the most stupendous frauds are admitted to have been perpetrated by the friends of the Somerset interest, and charged by them to have been committed by the other party at the prior election.

The friends of Somerset claim and charge that the friends of New Lexington removed the county seat from Somerset to its present location, at the election in 1851 by a fraudulent vote in this particular, to wit: That there was created in June 1851 a new township out of the territory of Pike, Bearfield, Monroe and Salt-Lick, for the express purpose of perpetrating a fraud and insuring the removal of the county seat from Somerset to New Lexington, and in support of this change they exhibit the votes of these four townships for several years before and

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after the election of 1851, and compare these votes with the county seat vote of 1851 of this same territory which now includes the new township, making five townships in the same territory. Now this comparison, as the committee or a majority of them have presented it, shows quite an increased vote in 1851 in the townships over the other votes; and your committee admits that if there were proof to his satisfaction that the entire strength of these townships had been polled at these elections referred to, that this would make a pretty clear case of fraud in this election upon the part of the friends of New Lexington. But there is no proof to show that the strength of these townships was at the polls at these elections, but on the other hand, it is claimed by the friends of New Lexington, that these votes, as exhibited by the committee, were the smallest votes cast in these townships, and were cast at elections when there was no great interests in parties, and in proof of this statement exhibit the Presidential vote of 1852 and compare it with the vote at the State election of the same year, which shows a difference of some 200 votes more at the Presidential election the same year in the same townships.

Your committee has been compelled to examine the Federal census of 1850 and the enumeration of 1851 of these townships, and find the following to be the fact: That the federal census of 1850 was 1,403, enumeration of 1851 was 1,406, and that the vote cast on the county seat question in 1851, in this same territory, was 1,324 votes, being 79 votes less than allowed according to the Federal census, and being 82 votes less than allowed by the enumeration of the spring of 1851. And your committee conceives that the Federal census and enumeration taken by sworn officers are far more correct in showing the strength of these townships, than the votes that are referred to, when a great number no doubt of the voters were not at the polls. It is clearly evident from the foregoing tests that the south did not perpetrate a fraud in 1851.

The friends of Somerset admit that they perpetrated a fraud in 1853, but that their vote of 1851 was strictly honest and legal. But when we compare the Federal census of 1850 and the enumeration of 1851 of these four northern townships, with their county seat vote of 1851, we find the following result, viz:

Federal Census, 4 northern townships, in 1850	1,648
meration, 1851	1,545

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County seat vote of four northern townships in 1851, was 1,680 votes, 32 more than the federal census gave them, and 135 votes more than the enumeration of 1851 gave them.

Your committee cannot see by what manner of reasoning the vote cast in these four Somerset townships, being so much more than their census or enumeration, can be honest and legal, when the votes cast in the four southern townships before referred to, are less than the census and enumeration; *yet*, according to the charges of the friends of Somerset, were fraudulent and illegal. The advocates of removal of the county seat from New Lexington to Somerset, not only claim that there is now a majority of the legal voters of Perry county in favor of Somerset, but also claims that such majority has at all times hitherto existed.

On the other hand, the advocates of New Lexington claim that the majority of legal votes are not only now with them, but have been identified with them for many years.

To ascertain the truth of these respective propositions, the undersigned has referred to the political history of the county for a series of years, and has instituted comparisons of the relative strength of the two localities as indicated by the results of the elections that have occurred from 1844 to 1857 inclusive, as well as the census of 1850, and the enumeration of white males over the age of 21 years, as indicated by the assessor's returns for the years 1851 and 1855. At the several presidential elections from '44 to '56 inclusive, the county seat question was not at issue.

The nine southern townships, in 1844, polled	2,156
" four northern " "	1,647
Majority in favor of the south	509
Southern vote in 1848	2,105
Northern "	1,599
Majority in favor of the south	506
Southern vote in 1852	2,163
Northern "	1,518
Majority in favor of the south	645

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Southern vote in 1856	2,234
Northern "	1,492
Majority in favor of the south	742
Southern, State election, 1857	1,997
Northern, " "	1,267
Majority in favor of the south	630
Southern, federal census, 1850	12,507
Northern, " "	8,244
Popular majority in favor of the south	4,263

One vote to every 5 persons gives the south a majority of 852.

Southern enumeration of 1851	2,494
Northern " "	1,549
Majority in favor of the south	945
Southern enumeration of 1855	2,439
Northern " "	1,503
Majority in favor of the south	936
Which makes an average majority in favor of the southern portion of the county, of	720

Net gain from south for Somerset	1851—182	votes.
" " "	1853—206	"
Average gain in favor of Somerset from southern townships	194	"

Now, if we deduct double this net average gain for Somerset, from the average majority in favor of the south, it will show the net average majority in favor of New Lexington, as follows: 720 (194+?=388) 332 average majority in favor of New Lexington, as indicated by the above stated tests.

County seat vote in 1851, the south polled	2,336
" " north polled	1,680
Majority in favor of the south	656
Deduct double net gain for Somerset from south (182+2)	364
Majority in 1851 in favor of New Lexington	292

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No. of votes in the southern part in 1851, as indicated by the census of 1850	2,501
No. of votes cast	2,336
Number less than Federal Census would give	165
No. of votes in the northern part, as indicated by Census, 1850	1,648
No. of votes cast in 1851 in the north	1,680
Excess of votes cast over census	32
No. of white males in the southern part in 1851	2,494
No. of votes cast " "	2,336
No. less than Enumeration	158
No. of white males in the northern part in 1851	1,545
No. of votes cast " "	1,680
Excess of votes over Enumeration	135

As 1,545 : 1,680 :: 2,494=2,704.

Had the south, in 1851, polled the same ratio (as compared with the Enumeration), that was polled by the north, it would have polled 368 more votes, and her vote would have stood as follows:

Vote of south	2,704	
Vote of north	1,680	
Majority in favor of south	1,024	
Deduct (182+2)	364	
Majority in favor of New Lexington		660 instead of 292

In view of the foregoing facts, we are fully impressed with the conviction that the relative strength of the rival interests is decidedly in favor of the southern part, or New Lexington interest.

The tests that we have referred to prove clearly that the south had a sufficient population to have legally cast the vote of 1851. But these same tests prove that if fraud was committed any where in 1851, it must have been at the north.

If many illegal votes were cast at the south in 1851, it is to be presumed that those whom it prejudiced, would by this time be able to produce some specific proof thereof.

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This charge of fraud comes with a bad grace from those who practiced one of the greatest frauds ever committed upon the ballot-box in Ohio. We allude to the admitted fraud practiced in the four northern townships of Perry county, in 1853, upon this county seat question. The four northern townships cast, at that election, 4,376 votes—2,858 more than at the Presidential election of 1852. At that election, Mr. O'Neil was returned to the House of Representatives. Mr. Nunemaker contested his election. O'Neil was supported by the Somerset interest; Nunemaker by the New Lexington interest. The House, after investigating the facts, ousted O'Neil, and admitted Nunemaker. It is now claimed that the Somerset friends at that election only played a farce; that these frauds were resorted to in order to checkmate the anticipated frauds of the south. O'Neil, as the representative of the Somerset interest, took his seat, and sought to retain it by every device.

The friends of New Lexington sued out a writ of mandamus, requiring the county commissioners to proceed to the completion of the county buildings, then in a state of erection, in disregard of the fraudulent vote given in favor of removal to Somerset.

Had it not been for the restraining and mandatory power of the court, the county seat would have gone back to Somerset under that farcical election, and the friends of Somerset would have cheerfully ate the fruits of their own iniquity.

Supposing it were admitted that a fraudulent vote removed the county seat to New Lexington, the Legislature granted the privilege to the friends of Somerset to right the alleged wrong, but instead of honestly availing themselves thereof, they most shamefully abused their privilege, and made themselves *particips criminus* to the charge of polluting the purity of the ballot-box. The county at large has lost comparatively nothing by this removal from Somerset, but would be required to respond in damages and suffer great sacrifices were it again to be transferred to Somerset. The public buildings at Somerset have been sold already by the commissioners.

But were it an original question of the location of the county seat, between Somerset and New Lexington, no impartial mind would decide in favor of Somerset, a town so far removed from both the geographical center and center of population.

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New Lexington is situated on an important railroad already in operation, in the midst of a territory rich in mineral wealth.

The interior and southern part of the county must, in the future, increase in population and wealth in a greater ratio than the northern, being exclusively agricultural.

The majority of the committee on New Counties, in their report claim that some 255 persons, whose names are found on the poll books of last fall, have not signed either the remonstrances or the petitions. The remonstrances were taken up about the first of January last, and the petitions were taken up a year ago last fall.

In the middle townships, as the return was made, 313 names were added to the petition in favor of the Somerset interest; of these some 50 have signed remonstrances also. Yet the south is required to account for all those names, in the nine southern townships, including the territory claimed by the north. Nothing, we claim, is more unfair. Your committee apprehends that this forced and far-fetched conclusion, that because every one of those names cannot be found on the remonstrances or petitions, that consequently the remonstrances that are legally certified to by the clerks of the several townships, (who are sworn officers,) must be fraudulent. The north furnished the committee on New Counties with these 255 names, certified to by a few Somerset men, and also presented papers purporting to be a true copy of the poll book; this is also a simple assertion. They certify that they have carefully compared the remonstrances with the poll books, and find the above statement to be strictly true.

On comparing very imperfectly those 255 names with what are purported to be the poll books of 1858, we find of those identical names, a number to be on the remonstrances. We also find a number of names on the remonstrances that were residents of different townships at last fall's election; we also find a number of names (men with whom I am familiarly acquainted) commencing with the initial or names by which they are commonly known; for instance, I will give one which now occurs to me: Baker Brown's name was found on the poll books of last fall, and is said not to be found on the remonstrances. His name, with others, was found written by himself, Nicholas 'Baker Brown, or N. B. Brown. Several such instances occur.

Some have passed away by death—some have emigrated. How

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often is it the case that voters are prevailed upon to stay until after the election.

They have, near New Lexington, a number of extensive coal mines in active operation. Also, steam mills that employ quite a number of men, and, in addition to this, within a few miles of New Lexington, there is a large gas or coal oil manufactory. A majority of those employed in these different occupations are migratory. We have already shown that having found quite a number of those identical names on the remonstrances, that it would be but fair to presume that mistakes also exist in reference to the copying of the poll books. I apprehend that the position taken on reference made by the majority of the committee on New Counties, will not be seriously urged by them.

In view of the foregoing considerations, the undersigned deems it very impolitic to pass a law submitting the question of removal of the seat of justice in said county. We deem it, in view of the existing feeling in that county, as utterly impossible to obtain an honest expression of the popular sentiment of that county upon this vexed question, and that the peace, happiness and prosperity of that county would be very materially jeopardized by the passage of the bill now under consideration. We would, therefore, report the bill back and recommend its indefinite postponement.

E. VANATTA.

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REPORT

OF THE

STANDING COMMITTEE ON CLAIMS.

The standing committee on claims, to whom was referred the memorial of Charles Rule, claiming compensation for damages incurred by him on account of the abrogation, by the State House Commissioners, of certain alleged contracts with the State for furnishing marble tiling, balusters and hand rails for the New State House, having duly considered the same, report as follows:

On the 17th day of June, 1854, said Rule entered into a written agreement with the Board of New State House Commissioners, whereby he bound himself "to furnish and put down, in a workmanlike manner, in the New State House at Columbus, Ohio, all the tile that may be required for the same," at certain stipulated prices, according to size and quality, also "to furnish and put down all the base or lining that may be required of American marble," of which the description and price are also stipulated. Preparatory to the fulfillment of said agreement on the part of said Rule, and in accordance with its terms, the Architect of the New State House furnished said Rule with plans of all the rooms in the New State House, exhibiting the size and form of the floor in each, with the kind and size of marble tile to be used, marked thereon. According to the terms of said agreement and the specification furnished by the architect, said Rule proceeded with the work as per agreement, and had completed a large proportion of the same, for which he has been paid in full, at the prices stipulated, when the Board of State House Commissioners, changing their plans ordered the work to be suspended, and employed other parties to complete the remaining rooms with free stone tiling.

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The cost of flooring these rooms with marble tiling according to the specifications of the architect and the original design would have been $7,641 95. Upon this amount said Rule claims, that if he had been permitted to complete the work, he would have realized a profit of thirty per cent., amounting to $2,292 58, having reference to his profits on the work completed. In this estimate he is corroborated by the testimony of others. He therefore claims that the State ought to pay him this amount by way of prospective profits on that part of his said alleged contract which he was prevented from fulfilling.

Also, on the 9th day of May, 1855, the same parties entered into another written agreement, whereby said Rule agreed "to furnish and deliver all the materials, and to make and put up the balusters and hand rails for the stair cases in the New State House in the city of Columbus," at prices specified in said agreement, the balusters and hand rails for two of the principal flights of stairs to be of East-Tennessee marble, and those of the other two of Italian marble, the whole to be made according to certain patterns deposited with the architect. Said Rule proceeded to execute a portion of the work stipulated for in the last mentioned agreement, and has received payment in full according to the terms of said agreement, for all the work completed. The Board of State House Commissioners then changing their plans, ordered said work to be discontinued for the purpose of substituting iron balusters and wooden hand rails for those of marble, thus preventing said Rule from fulfilling the remainder of his said agreement. The amount he would have been entitled to receive for the work so remaining undone, had he been permitted to complete the same, according to his said agreement, is $7,929 66. Upon this amount he also claims he should have realized a net profit of thirty per cent., or an aggregate of $2,378 89, according to the actual profits he realized on similar work completed under the same agreement, to which he brought witnesses to testify. Thereupon, making prospective profits the basis of his claim, he asks on account of the suspension by the State House Commissioners, of the work under his first agreement as above stated, the sum of.....$2,292 58
Also, for the same, under his second agreement, the sum as above of..... 2,378 89

Making a total of.....$4,671 47

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which he claims to be justly due him from the State. He claims to have suffered great pecuniary loss on account of material purchased and not used, transportation of the same, work partially finished and the unsaleable character of the material thus left on his hands. The work under said agreements, as far as completed, seems to have been done well, and to the acceptance of the authorized agents of the State. Nor are your committee aware that any fault has been found with the same; the only question being as to the damages on account of the suspension of the work under said alleged contracts. However, it appears from the terms of said written agreements, and from other testimony before your committee, that the amount to be paid by the Sate, in each of said contracts, greatly exceeded the appropriations for State House purposes, and that said agreements were entered into with express reference to future appropriations. In entering into those agreements, the State House Commissioners therefore exceded their legal authority, and consequently the State is not legally bound by such agreements.

Some of the committee are of the opinion, also, that by the contracts the parties had in contemplation the right of the State House Commissioners to change their plans, and stop any portion of the work, as might seem best to them, and that such change or stoppage of work would not be a violation of the contracts, but would leave the State equitably bound to compensate the contractor for any actual damages that he might have sustained by loss of labor and materials.

Your committee are, therefore, of opinion that the State is under no legal obligation to compensate said Rule for prospective profits on work not performed and material not used. Nevertheless, as said agreements appear to have been entered into in good faith by said Rule, and a future legislature so far sanctioned them as to appropriate money to pay for the work actually performed under them, your committtee are of opinion that justice and equity require that, in addition to the pay already received, as above stated, for work completed under said agreements, said Rule be compensated for his actual losses on account of the suspension of the work under said agreements.

In order to arrive at a correct estimate of his actual losses, your committee have examined witnesses under oath, and have thoroughly inquired into the facts of the case, and have come to the following con-

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clusions: First, That the value of the marble tiling delivered at Columbus and prepared for putting down, but not used, is worth as much to said Rule as the same amount of unwrought marble of the same kind would be in Cincinnati. Consequently the actual loss on account of tiling is equal to the cost of labor on the same, and transportation to and from Columbus. By minute and careful computation, the details of which are here omitted, it is ascertained that the cost of such labor and transportation on each superficial foot of said tiling, is as follows, to wit:

On one foot of 12 inch tile	23 3/10 cts.
" " 14 "	35 "
" " 16 "	47 "

Of the 12 inch tile there were left on his hands, 1,298 feet; of the 14 inch tile, 1,112 feet, and of the 16 inch tile, 960 feet; so that the account for actual losses on account of tile, stands as follows:

On 1,298 feet at 23 3/10 cts. per foot	$302 44
" 1,112 " 35 " "	389 20
" 960 " 47 " "	451 20
Making total loss on tiles	$1,142 84

Secondly, Of the Tennessee marble, designed for balusters and hand rails, there was procured and not used, 218½ cubic feet, at a cost, in Cincinnati, of $5 50 per cubic foot. From this there were sawed 94 lineal feet of hand rail, straight and circular, partially finished, and of no value for any other purpose than that for which it was originally designed; also 17 balusters, upon each of which labor has been expended to the amount of $6 50, and which are unfit for any other purpose. The remaining blocks are sawed into slabs, which, though unsaleable, are computed to be worth 30 cents per superficial foot: of these there are on hand 1,638 superficial feet. Therefore, the account of loss on Tennessee marble for balusters and hand rails, stands as follows:

Cost of 218½ cubic feet Tennessee marble at $5 50	$1,201 75
" sawing 94 feet of hand rail	47 00
" 19 unfinished balusters at $6 50	110 50
Total cost	$1,359 25

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From which deduct the value of 1,638 feet of marble slabs at 30 cents	$491 40
Total loss on account of balusters and hand rail	867 85
Add to this the loss, as above, on tiling	1,142 84
And the result is a total of	2,010 69

Which is the aggregate of actual losses on account of the abrogation of both of said agreements.

Your committee are of the opinion that this last amount is justly due Mr. Rule, and ought to be paid without delay. They therefore ask leave to introduce a resolution in accordance with this opinion.

J. N. WESTCOTT,
DAVIS GREEN,
R. W. TAYLOR.

Resolved, That the standing committee on Finance be, and they are hereby instructed to provide in the general appropriation bill, for the payment of the sum of two thousand and ten dollars and sixty-nine cents ($2,010 69) to Charles Rule, to be by him received in full of his claim against the State on account of the abrogation, by the State House Commissioners, of certain alleged contracts, dated June 19th, 1854, and May 9th, 1855, respectively, for furnishing marble tilings, balusters and hand rails for the New State House.

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SPECIAL REPORT OF THE STATE TREASURER.

OFFICE OF THE TREASURER OF STATE,
COLUMBUS, OHIO, March 28, 1859.

To HON. MARTIN WELKER, *President of the Senate:*

I have just received the following Resolution from the Senate, and hasten to reply to the same:

"*Resolved*, That the Treasurer of State inform the Senate at as early a period as possible,

1st. What instructions, if any, were given by him to any or all the County Treasurers, as to what kind of funds should be received for taxes?

2d. What were the proportions of specie and other funds respectively paid into the State Treasury by each County Treasurer (or the amount of each) at the time of their semi-annual settlements?

And report to the Senate at this time all of the foregoing information now in his power.

And as soon as practicable after the August settlement, make out a full report hereof, and publish the same in the *Ohio Statesman*, and the *Ohio State Journal*, and also include the same in his next annual report to the Governor."

In answer to the above interrogatories I state:

1st. I have issued no instructions to County Treasurers relative to the kind of money they should receive, since the passage of the Independent Treasury law. I know of no law on the statute books which authorizes the Treasurer of State to prescribe the kinds of funds the County Treasurers shall receive in payment of public dues. A few County Treasurers wrote me requesting to know what kind of money I would receive in payment of taxes due the State. My answer was that I would receive coin, and the notes of the specie-paying banks of Ohio.

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2d. Only two County Treasurers have paid any proportion of coin into the State Treasury at the late settlement. The Treasurer of Seneca county paid $8,581, of which $2,100 was in coin. The Treasurer of Tuscarawas county paid $8,130, of which sum $133 was in coin. The Treasurers of other counties, with the exception of Hamilton, have paid principally in the notes of the specie-paying banks of Ohio. Hamilton county paid its entire amount $52,217, in the notes of the Kentucky banks.

Four counties, viz: Cuyahoga, Logan, Lucas, and Coshocton, have not yet settled.

This is all the information relative to the inquiries in the foregoing Resolution in the possession of this office.

I have the honor to be

Yours, respectfully,

A. P. STONE,

Treasurer of State.

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SPECIAL REPORT

OF THE

BOARD OF PUBLIC WORKS,

RELATIVE TO WATER GAUGERS, AND THE OCCUPATIONS OF RESIDENT ENGINEERS AND MEMBERS OF THE BOARD.

OFFICE OF THE BOARD OF PUBLIC WORKS,
Columbus, April 1, 1859.

To the President of the Senate:

SIR: In answer to the following resolution of the Senate:

"*Resolved*, 1st. That the Board of Public Works be requested to report to the Senate how many gaugers of water rents there are in the employ of the State under said board, by what authority they have been appointed, and the compensation paid to each.

2d. The number and names of engineers in the employ of the board who are engaged in other employments, the kind of such other employment, and the compensation paid for the same, if within the knowledge of the board.

3d. Whether any member of the board now, or heretofore in office, now is, or has been engaged during his term of office, in the service of any company or association; and if so, the name of such member, and the compensation received from such company or association, if within the knowledge of the board;"

The Board of Public Works respectfully

REPORT:

In answer to the first resolution, the board would state, that no one has been engaged in the duties of gauging the water furnished by the State for hydraulic purposes, during the year 1858, except James G. Haly, Esq.

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Mr. Haley was employed by the member of the Board in charge of division number one, on the fifteenth day of May, and completed his labors on the fifteenth day of November last, receiving as compensation for his services, a salary at the rate of fifteen hundred dollars per annum.

The authority for the appointment of the agent of the State thus engaged, is derived from the 6th section of the act of April 12, 1858, "For the regulation of the public works of the State of Ohio," which gives to each member of the Board the power to "appoint all subordinate officers on the division under his charge."

As there existed no evidence within the reach of the Board, showing the amount of water being used by lessees on division number one, and as the board have reason to believe that the State was supplying more water for hydraulic puoposes than the parties were entitled to under their contracts, the member of the board in charge of division number one, felt himself warranted in appointing or hiring this agent, as he would have appointed or employed any other subordinate officer to transact any other important duty on that portion of the public works under his charge.

The result of the investigation shows most conclusively that the State has been, for a series of years, furnishing more water to lessees than their leases entitled them to, thereby diminishing the revenue which might otherwise be derived from the surplus water, and has, in the opinion of the member in charge of division number one, justified him in employing the agent above alluded to, and he believes the information will also be received by the Legislature as an equivalent for the amount paid for performing the duty.

The amount of water leased on eighty-eight miles, which comprise the northern division of the Miami and Erie Canal, is thirteen thousand nine hundred and thirty-four (13,934) cubic feet of water per minute, for which the State should receive, in accordance with the terms of the contracts existing between the parties, an annual rent of three thousand six hundred and fifty-two dollars ($3,652.) The amount of water actually used by these lessees, is thirty-two thousand seven hundred and four cubic feet per minute, which might be made to yield an additional annual revenue to the State of four thousand nine hundred and fifty-nine dollars ($4,959) if the agents of the State had faithfully enforced the terms of the present contracts existing between the State and the lessees

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of water on this small portion of the canal alone. Below may be seen some of the more important cases, showing the amount of water leased, and the amount actually used; also the amount now paid, and the amount that the State might receive:

Names of Lessees.	Location.	Am'nt leased—cubic feet.	Amount used—cubic feet.	Amount paid.	Amount which should be paid.
W. B. Dicks & Co	Maumee City	$1,212	$3,196	$300	$791 09
C. A. Louber	" "	606	1,305	225	484 53
Lyman Parcher	" "	1,212	1,706	300	422 27
Morehouse & Brigham	Waterville	900	2,412	183	490 43
Sheffield & Morehead	Texas	680	3,887	120	688 87
Parry & Gibbons	Florida	630	2,181	150	519 28
D. F. Welsted	Napoleon	450	1,920	90	384 00
George Walbridge	Manhattan	1,668	3,046	225	410 88
Deyo & Barth	Toledo	1,212	2,351	204	395 71
Stebbins & High	Damascus	450	1,920	90	384 00
Welsted & Tresler	Napoleon	450	1,567	90	313 40
		$9,470	$25,491	$1,977	$5,284 46

Here are eleven lessees, using sixteen thousand and twenty-one (16,021) cubic feet of water per minute, over the amount stipulated for in their leases, and for which the State is receiving nothing. Twelve thousand one hundred and sixty-five (12,165) cubic feet of the amount is taken from the canal and thrown into the Maumee river, which, with the capacity of the canal, and the weirs attached to the locks could with safety be passed to the city of Toledo, and there be leased to parties for various manufacturing purposes, and produce a yearly income to the State of over three thousand dollars.

On the Northern Division of the Ohio Canal from Lockville, in Fairfield county, to Cleveland, which is a part of division number one of the Public Works, forty-seven thousand and six (47,006) cubic feet of water are being used per minute, yielding an annual revenue to the State of five thousand six hundred and ninety-three dollars ($5,693). On this and the Northern Division of the Miami and Erie Canal, which comprises division number one of the Public Works, the State has water power which may be leased for over nine thousand dollars ($9,000),

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which information has been derived through the gentleman engaged during the past year in measuring the exact amount of water each mill was using over the amount they were entitled to under their contracts. The member of the Board in charge of division number one, after receiving this information, caused the water to be shut off from six different lessees and declared their leases forfeited to the State, and has also given notice to lessees that they will be required to put in the necessary guages, in order that they can only use the amount of water they are entitled to, and for which they pay. A refusal on their part to do so, will enable the State to demand and collect semi-annually, the excess of water they may use over the amount agreed for under their leases.

By a recent report of the Board, fifty-four thousand nine hundred and ninety-five dollars and thirty-four cents ($54,995 34) was then due the State for arrearages from lessees of water. It is believed that no branch of the public service has received so little attention as that of the collection of rents due from the lessees of water, and that one of the first and most important steps to be taken is the measuring of water to mills and requiring them to put in the necessary gauges in accordance with the terms of their leases.

2d. There are no engineers in the employ of the Board who are engaged in other employments.

It is probable that some, and it may be that all of the State engineers are interested in private business to which they give occasional attention, but the Board has no knowledge of any business or interests which employ the time or attention of any engineer to such degree as to be considered as an employment, or which interferes with the full and faithful performance of his official duties.

Resident engineers have charge of districts including from one hundred and thirty to about two hundred miles of public works. Their duties are mainly to give a general care and superintendence to the works placed in their charge; to plan, direct and supervise all repairs, re-construction and new works, and to audit all accounts and bills of expenditures for construction, superintendence and repair. Their duties properly performed require all or nearly all of the time of an officer, and the Board has no knowledge of any neglect of duty on the part of its engineers.

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There is at present no law in existence to prevent engineers in the State service from engaging in the service of other States, or of companies or associations, the law formerly existing relating thereto having been repealed at the last session of the General Assembly.

3d. Each member of the Board of Public Works answers for himself, that he is not and has not been during his term of office, in the service of any company or association. In relation to former members of the Board having been engaged during their term of office in the service of any company or association, the Board has no knowledge other than that derived from rumor, and no official means of obtaining certain information on the subject.

By order of the Board,

JOHN WADDLE,

President.

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SPECIAL REPORT OF THE BOARD OF PUBLIC WORKS,

RELATIVE TO OVERFLOW AT HOCKING FALLS.

OFFICE OF THE BOARD OF PUBLIC WORKS,
Columbus, March 30, 1859.

To the President of the Senate:

The resolutions of the Senate relative to the effect of the Hocking Falls dam, near Logan, in Hocking county, on the Logan road, between the dam and Smith's hill, were received by the Board of Public Works on the 18th of March. To obtain the proper information, it became necessary for the engineer in charge of the work to make an examination and survey of the ground, which has been done, and the Board now

REPORT:

The first resolution is as follows:

"1st. Has the construction of the Hocking Falls dam, in the Hocking River, near Logan, contributed anything towards causing the flow of water out of the canal banks over the Logan road, between said dam and Smith's hill; and if so, how much?"

When the construction of the Hocking canal was commenced, there was, and had been for some years, a dam at Hocking Falls, located where the State dam is now built. In reconstructing the dam and adapting it to the purpose of a feeder dam to the canal, the State added to its height about 2 1-6 feet. This increased height caused the river, in extreme floods, to rise, perhaps, one foot higher on the pool of the dam than it would with the former dam, and also caused the stream at its ordinary rises to more frequently overflow low points in the banks. The extent to which the raising of the dam has contributed to the injury of the road between the dam and Smith's hill cannot be very accurately

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determined, as part of the road was liable to frequent overflows before the dam was raised. The State, some years since, raised the road between Worthington's hill and Smith's hill, and the Board believes that this part of the road is now not more subject to injury from overflow than it was previous to the raising the dam by the State. The part of the road between Worthington's hill and the dam is constructed on the outer side of the towing path bank on a piece of low land, which before the building of the present bank was frequently overflowed. It is now, in ordinary floods, protected from overflow by the bank. The heavy floods of last summer, broke the canal bank and submerged the road; and the present condition of the bank, occasioned by injuries from floods, renders it prudent that it should not only be fully repaired, but that additional height and strength should be given to it.

2d Resolution—

"Could the overflowing complained of be prevented by raising the canal banks between the points named, and what would be the cost of such work?"

The overflowing of the road could be prevented by raising and strengthening the canal bank. The following is an estimate of the cost:

Raising canal bank from Worthington's hill to Guard Lock to heighth of one foot above top of lock walls	$3,050 00
Change and repairs to road consequent on raising the bank	900 00
Raising road from Worthington's road to Smith's hill to height of 2½ feet below top of Guard Lock	700 00
	$4,650 00

By an expenditure of three thousand dollars in raising the canal bank to a heighth one foot lower than the top of the walls of the guard lock, and in making a waste weir, which in times of high water will discharge water from the river to fill the basin formed by the embankments built by the State, and the surrounding high lands, the pressure on the sides of the towing path bank could be equalized, and the bank rendered secure at time of floods. This would be the most economical and safe course so far as the State is concerned, but would flood the road at such times of high water as it would be flooded if the State improvements were not in existence.

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3d Resolution—

"What would be the cost of repairing the road between the points named, and if the ravages therein by water overflowing the canal banks are the result of the works of the State in any degree, what proportion of such cost ought the State to bear?"

The answer to the second resolution gives the estimated cost of repairing the road. The Board believes that with the canal banks repaired and strengthened, the road between the points named in the resolution would be in as good condition as it would be if the State works had not been made. The cost of thus raising the canal bank and the consequent work on the road, estimated at three thousand nine hundred and fifty dollars, should be borne by the State. In the opinion of the Board the cost of repairing the bank between Worthington's hill and Smith's hill, would not be chargeable to the State.

It has been suggested that the road below Worthington's hill should be changed from its location over low ground back of the canal bank, and carried along the base of the hill on higher land. The change would not materially increase the distance, and would place the road on better ground. Should it be adopted, the State could contribute to the new road the sum of nine hundred dollars, being the estimated cost of widening and changing the old road on account of strengthening and raising the road bank.

By order of the Board,

JOHN WADDLE,

President.

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REPORT OF JOINT SELECT COMMITTEE.

The joint select committee, to which was referred the memorial of B. R. Durfee, of the county of Marion, Ohio, have had the same under consideration, and report, that in their opinion the memorialist ought to have the benefit of his protest against his alledged connection with the use of the funds abstracted from the State Treasury by Breslin and his associates.

Your committee therefore report the memorial back, with the affidavit of the memorialist, and recommend that they be printed. And will further add, that from the well known personal integrity of the memorialist and the proofs presented, the said Durfee should be entirely exonerated from any complicity in an illegitimate use of the public money, and ought to have the benefit of having the same publicly known through the official acts of this body.

S. A. RAYMOND,
G. W. ANDREWS,
RALPH LEETE.

We consent to the printing of the memorial and affidavit of B. R. Durfee, Esq., but are not sufficiently acquainted with the facts to express an opinion upon the merits of the case.

E. M. PHELPS,
J. A. AMBLER,
R. W. TAYLOR,
W. H. SAFFORD.

To the Honorable, the General Assembly of the State of Ohio:

The undersigned, a citizen of the county of Marion, Ohio, begs leave to represent to your honorable body, that in the "Report of the Treasury Investigating Commission," recently made to the General Assembly, his name has been used, in connection with the alleged defalcation of John

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G. Breslin, late Treasurer of State, in a manner reflecting upon his integrity, and leaving upon the public mind an impression that he was a participant in an unlawful use of the public money, and knowingly contributed to its abstraction from the proper depository—the Treasury of the State.

The action of the committee, in connection with the name of your memorialist, was without his knowledge, nor is he yet aware of the character of the evidence upon which the conclusions of the committee, so far as he is concerned, were founded.

But, whatever may have been its import, your memorialist, conscious of a freedom from all just cause of censure, and feeling that he has been aggrieved, and placed in a dishonorable position, either through a misapprehension of the facts developed, or by a failure to elicit more full information, respectfully asks that a committee of the General Assembly may be appointed, to fully investigate as to any complicity of his, with ex-Treasurer Breslin, in an illegitimate use of the public moneys.

And your memorialist will ever pray &c.

B. R. DURFEE.

The State of Ohio, Franklin County, ss:

B. R. Durfee, of the county of Marion, Ohio, being first duly sworn, deposes and says, that in the spring of 1854, the "Delaware County Bank," at Muncie, Indiana, was established by himself, Ozias Bowen, and Charles T. Sherman; that the amount of stock paid in was twenty-five thousand dollars—being $10,000 by this deponent, $10,000 by said Bowen, and $5,000 by said Sherman. In the fall of the same year the bank was wound up, and all the stock paid back, less the losses sustained, which were borne, *pro rata*, by the stockholders. The deponent says that the Hon. John G. Breslin never, to his knowledge, held any interest in said bank, either as stockholder, depositor, or in any other way. Deponent further says, that he never held any communication with Mr. Breslin; that he was unacquainted with him, and never spoke to him; and that he never was, to his knowledge, connected with Mr. Breslin, either directly or indirectly, in any business transaction of any kind.

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The deponent says that he never knowingly used any moneys belonging to the State; nor did he ever, to his knowledge, use any belonging to Mr. Breslin, or in which he was interested. Deponent further says that Mr. Breslin's name never was upon the books of said Delaware County Bank; and that if he became the purchaser of any of its stock, the same was never transferred upon the books of the bank, nor had this deponent any knowledge thereof. Deponent further says, that he refers to the amount of the stock of, and the proportions held by each stockholder, from memory, and can not be positive as to the amount owned by each, but believes it to be as hereinbefore stated. And further deponent saith not.

B. R. DURFEE.

State of Ohio, Franklin County:

Sworn to by B. R. Durfee, before me, and subscribed in my presence, this 30th day of March, 1859.

OVIATT COLE, Notary Public.

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MEMORIAL

OF THE

COMMISSIONERS OF HOCKING COUNTY,

RELATIVE TO REPAIRS OF A PORTION OF THE STATE ROAD IN SAID COUNTY.

OFFICE OF BOARD OF COMMISSIONERS, HOCKING CO.,
Logan, March 12, 1859.

Whereas, several applications having been made to this board for improvements, and aid in improving, that part of the State road leading from Logan, in this county, to Lancaster, in Fairfield county, lying between the Falls Mills and Smith's Hill, in the township of Falls, in this county, the board have proceeded to examine the road, and consider the subject of the improvement thereof.

The road is found in very bad condition, in so much as to be, during a considerable portion of each year, impassable, whereby the citizens of this county and all the lower Hocking Valley, to and including Nelsonville, in Athens county, are practically cut off, for the time being, from all communication with Lancaster, Columbus, and Cincinnati. It is further found and estimated by this board, that it will require at least eight thousand dollars to put said portion of the road in permanent good condition, and beyond danger from high water, assuming that the State will, for the protection and safety of the canal, (running immediately along the south side of said portion of road,) raise the towing path of said canal, at least three feet above its present heighth, without which permanent and valuable improvement of the road is impracticable. And it is further found by this board, that prior to the construction of the Hocking Valley Canal, said portion of road was in good condition and comparatively free from ravages of high water, and that, substantially, all the injury and mischief thereto has been occasioned by the raising of the dam at the Hocking Falls, in the construction of the canal, and by

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the failure of the State to raise the towing path from said dam along the slack water to Smith's Hill, aforesaid.

It follows, therefore, that justice requires that the State should not only raise said towing path, but should repair the injuries done to said portion of road, and put it beyond danger from high water, resulting from back water in Harper's Run communicating across said portion of road with the slack water.

This board, therefore, believing it to be but just and within the scope of its duties, respectfully requests an appropriation by the State of a sum not less than five thousand dollars, to be expended under the direction of this board, or otherwise, as may be deemed most expedient, in the repair of said road, and in raising and protecting it against high water in the future; and should that sum be appropriated to that purpose by the State, in addition to the sum required to raise said towing path, the further sum necessary to put said road in good and safe repair and condition, will be raised and applied by this county and township.

It is therefore ordered that these proceedings, doings and requests of this board be recorded, and that the auditor furnish to the Hon. George Johnson, our Representative, and the Hon. N. Schleich, Senator from this district, authenticated copies hereof, with the request that they will use their best endeavors to procure the appropriations aforesaid, by the State.

(Signed,) THEODORE MILLER,
FRED'K SHUCK,
JOHN WILLIAMS,
Com. Hocking County.

AUDITOR'S OFFICE, HOCKING CO., O.,
Logan, March 14, 1859.

I hereby certify the foregoing to be a true copy of the original, as taken from the records deposited in this office.

A. WHITE, A. H. C.

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REPORT

OF THE

STANDING COMMITTEE

ON UNFINISHED BUSINESS.

The standing committee on Unfinished Business, to whom was referred the letters transmitted by the Treasurer of State to this House, in answer to a resolution thereof, being replies from County Treasurers to certain inquries propounded to them in relation to the kind of funds received and paid out by them as public dues, &c., beg leave to report the same back and recommend the same be ordered to be printed in the Appendix to the House Journal.

N. H. VAN VORHES,
JOHN PATTERSON,
E. GLASGO,
THOMAS WAUGH,
J. B. ROACH,
J. D. HUGHES,
H. BROOM.

OFFICE OF THE TREASURER OF STATE,
COLUMBUS, O., March 3, 1859.

HON. W. B. WOODS, *Speaker of the House of Representatives:*

DEAR SIR:—On the 14th ultimo, in answer to a resolution passed by the House of Representatives, propounding certain inquiries in relation to the kind of funds that County Treasurers had received and paid for public dues, &c., I informed the House that I was preparing circulars to procure the information required, which at that time was not in this office.

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I have, up to this date, received answers from sixty-eight County Treasurers, which I have the honor to submit herewith.

Very respectfully,

Your obedient servant,

A. P. STONE, *Treas. of State.*

Interrogatories to Treasurer of Adams County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

3. What proportion in the notes of specie paying banks of other States?

I have made no requirement as to kind of funds but have received notes on all the specie paying banks of Ohio, Indiana and Kentucky.

4. Did you adhere to these requirements?

5. What amount of the taxes were paid in coin?

About $850.

6. What proportion does it bear to the whole amount collected by you?

One-fiftieth.

7. What amount have you paid out in coin?

About $2,500.

8. What amount of coin had you on hand on the 15th January, 1859?

About $1,500.

THOMAS ELLISON,
Treasurer Adams Co.

Interrogatories to Treasurer of Ashland County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

Not any.

2. What proportion in the specie paying banks of Ohio?

Not any.

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3. What proportion in the notes of the specie paying banks of other States?

Not any.

4. Did you adhere to these requirements?

I did not

5. What amount of the taxes were paid in coin?

Don't know.

6. What proportion does it bear to the whole amount collected by you?

Don't know.

7. What amount have you paid out in coin?

Don't know.

8. What amount of coin had you on hand on the 15th January 1859?

Don't know.

Interrogatories to Treasurer of Auglaize County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

Not any.

2. What proportion in the specie paying banks of Ohio?

3. What proportion in the notes of the specie paying banks of other States?

4. Did you adhere to these requirements?

I did not.

5. What amount of the taxes were paid in coin?

One-eighth of the whole amount collected.

6. What proportion does it bear to the whole amount collected by you?

7. What amount have you paid out in coin?

All sums of five dollars and under; as to the amount, I cannot say.

8. What amount of coin had you on hand on the 15th of Jan., 1859?

Four thousand five hundred dollars.

Respecfully your ob't serv't,

B. A. WENDELU,
Treas. Auglaize Co.

To A. P. STONE, Esq.,
Treasurer of State.

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Interrogatories to Treasurer of Belmont County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

I required that ten per cent. of the whole tax be paid in coin.

2. What proportion in the specie paying banks of Ohio?

All but ten per cent., in currency of Ohio and Wheeling, Va., specie paying banks.

3. What proportion in the notes of the specie paying banks of other States?

I required all but ten per cent. of the whole tax to be paid in Ohio, and the North-Western and M. and M. Banks of Wheeling, Va.

4. Did you adhere to these requirements?

I did, to the currency part; but the tax payers said there was no law authorizing me to collect coin, and they did not accede to my request.

5. What amount of taxes were paid in coin?

About $6,000, in collecting $103,816. This was paid principally by persons who paid nearly all their tax in coin.

6. What proportion does it bear to the whole amount collected by you?

About one-sixteenth part of the collections.

7. What amount have you paid out in coin?

I cannot tell; but the amount has been very small. We had no court in session, and there has been but few small orders redeemed.

8. What amount of coin had you on hand on the 15th January, 1859?

On the 5th of January, we had $5,933 80, upon count by the county commissioners, when examining the treasury.

The within answers are as near correct as the state of the case would permit. I was indisposed during the whole of the collecting time, and am not just as well prepared to make a correct statement as if I had been in the office during collecting time.

Yours, truly,

JOHN TWINEN,
Treas. Belmont Co.

Interrogatories to Treasurer of Butler County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

Demanded no coin. Required Ohio, Indiana, or Kentucky paper, and received gold and silver when offered.

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2. What proportion in the specie paying banks of Ohio?

More than one-half.

3. What proportion in the notes of the specie paying banks of other States?

Near one-half.

4. Did you adhere to these requirements?

Not strictly.

5. What amount of the taxes were paid in coin?

About four thousand dollars.

6. What proportion does it bear to the whole amount collected by you?

One-twenty-ninth.

7. What amount have you paid out in coin?

About five hundred dollars, in the two months past.

8. What amount of coin had you on hand on the 15th January, 1859?

Nine thousand three hundred and forty-five dollars and forty-one cents.

E. W. GASTON,
Treas. Butler Co.

Interrogatories to Treasurer of Carroll County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

Did not require any coin.

2. What proportion in the specie paying banks of Ohio?

None required; but took all current paper.

3. What proportion in the notes of the specie paying banks of other States?

4. Did you adhere to these requirements?

5. About what amount of the taxes were paid in coin?

About two thousand dollars.

6. What proportion does it bear to the whole amount collected by you?

About the one-sixteenth.

7. What amount have you paid out in coin?

About two hundred dollars.

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8. What amount of coin had you on hand on the 15th January, 1859?

Two thousand dollars.

JOHN L. HUNT,
Treas. Carroll Co.

Interrogatories to Treasurer of Champaign County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

One-fifth, after Nov. 15, 1858.

2. What proportion in the specie paying banks of Ohio?

No requirement.

3. What proportion in the notes of the specie paying banks of other States?

Same answer.

4. Did you adhere to these requirements?

No.

5. What amount of the taxes were paid in coin?

About four or five per cent. of duplicate.

6. What proportion does it bear to the whole amount collected by you?

Answer, (as above), about ten per cent..

7. What amount have you paid out in coin?

Since July 1, 1858, about $2,000.

8. What amount of coin had you on hand on the 15th January, 1859?

Don't know; perhaps $3,500, as collection was not closed then.

Very respectfully,

J. B. ARMSTRONG,
Treasurer.

Interrogatories to Treasurer of Clark County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying Banks of Ohio?

All.

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3. What proportion in the notes of specie paying banks of other States?

None.

4. Did you adhere to these requirements?

No. Received about $20,000, out of $76,000, in foreign bank notes.

5. What amount of the taxes were paid in coin?

None.

6. What proportion does it bear to the whole amount collected by you?

As 0 to $76,000.

7. What amount have you paid out in coin?

Say $500.

8. What amount of coin had you on hand on the 15th January, 1859?

None.

WM. C. FRYE,
Treasurer of Clark County.

Interrogatories to Treasurer of Clinton County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

No particular proportion.

3. What proportion in the notes of the specie paying banks of other States?

Same as above.

4. Did you adhere to these requirements?

No.

5. What amount of the taxes were paid in coin?

About $1,000.

6. What proportion does it bear to the whole amount collected by you?

The proportion of 1 to 63.

7. What amount have you paid out in coin?

About $800.

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8. What amount of coin had you on hand on the 15th January, 1859?
$1,250.

J. M. HAWORTH,
Treasurer.

P. S. I pay all orders under five dollars, in coin.

Interrogatories to Treasurer of Columbiana County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

One-fourth of the amount I requird, but did not strictly adhere to the published requirements of my notice.

2. What proportion in the specie paying banks of Ohio?

I received all paper of the banks of Ohio with the exception of Seneca County Bank, Canal Bank of Cleveland, and City Bank of Cincinnati; also, a portion of State Bank Indiana, Kentucky Banks, Pennsylvania and Virginia Banks.

3. What proportion in the notes of the specie paying banks of other States?

About two-thirds of the above.

4. Did you adhere to these requirements?

Not in all cases.

5. What amount of the taxes were paid in coin?

About $15,000.

6. What proportion does it bear to whole amount collected by you?

About one-fourth.

7. What amount have you paid out in coin?

From $6,000, to $8,000.

8. What amount of coin had you on hand on the 15th January, 1859?

I suppose from $10,000, to $15,000.

B. F. THOMPSON,
Treasurer of Columbiana County.

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Interrogatories to Treasurer of Coshocton County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

All.

3. What proportion in the notes of the specie paying banks of other States?

None.

4. Did you adhere to these requirements?

Nearly.

5. What amount of the taxes were paid in coin?

About $1,800.

6. What proportion does it bear to the whole amount collected by you?

Three and one-half per cent.

7. What amount have you paid out in coin?

About $2,000.

8. What amount of coin had you on hand on the 15th January, 1859?

About $1,500.

Interrogatories to Treasurer of Crawford County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

Those who paid half tax were required to pay all under five dollars in coin, (got more damns than dimes.)

2. What proportion in the specie paying banks of Ohio?

All, excepting what was paid in coin.

3. What proportion in the notes of the specie paying banks of other States?

None whatever; took a bill once in a while for accommodation, but immediately got them exchanged into Ohio.

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4. Did you adhere to these requirements?

Almost in every instance.

5. What amount of the taxes were paid in coin?

About eight thousand dollars.

6. What proportion does it bear to the whole amount collected by you?

About one-seventh.

7. What amount have you paid out in coin?

Whatever the law required me to.

8. What amount of coin had you on hand on the 15th January, 1859?

About six thousand dollars.

G. DONNENWIRTH,
Treasurer of Crawford Co.

Interrogatories to Treasurer of Cuyahoga County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

Not any portion of the taxes of 1858 were required to be paid in coin.

2. What proportion in the specie paying banks of Ohio?

Notes of the specie paying banks of Ohio were preferred, but good Eastern bank notes *were not refused.*

3. What proportion in the notes of the specie paying banks of other States?

Cannot state.

4. Did you adhere to these requirements?

As far as I could.

5. What amount of the taxes were paid in coin?

About $15,000.

6. What proportion does it bear to the whole amount collected by you?

About five per cent.

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7. What amount have you paid out in coin?

About $2,500.

8. What amount of coin had you on hand on the 15th January, 1859?

About $11,500. Yours, &c.,

To A. P. STONE, *Treasurer of State.* W. WATERMAN, *Treasurer of Cuyahoga Co.*

Interrogatories to Treasurer of Defiance County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

Made no requirement.

2. What proportion in the specie paying banks of Ohio?

3. What proportion in the notes of the specie paying banks of other States?

4. Did you adhere to these requirements?

5. What amount of the taxes were paid in coin?

$2,000.

6. What proportion does it bear to the whole amount collected by you?

One-twelfth.

7. What amount have you paid out in coin?

8. What amount of coin had you on hand on the 15th January, 1859?

$2,000.

J. A. GARBER, *Treasurer.*

Interrogatories to Treasurer of Delaware County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

I made no requirements, but received all specie paying bank paper that was bankable in this State.

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2. What proportion in the specie paying banks of Ohio?

Made no requirements; probably did receive seventeen-twentieths of Ohio paper.

3. What proportion in the notes of the specie paying banks of other States?

Say three-twentieths.

4. Did you adhere to these requirements?

Of course.

5. What amount of the taxes were paid in coin?

As near as I can estimate, about $1,300.

6. What proportion does it bear to the whole amount collected by you?

About one-thirtieth part.

7. What amount have you paid out in coin?

Near $800. I paid small orders in coin, except when it was waived by the party receiving, which was generally done.

8. What amount of coin had you on hand on the 15th January, 1859?

About $1,200 that I received for taxes.

C. ARMSTRONG, *Treasurer.*

Interrogatories to Treasurer of Fairfield County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

None.

3. What proportion in the notes of the specie paying banks of other States?

None.

4. Did you adhere to these requirements?

5. What amount of the taxes were paid in coin?

About $10,000.

6. What proportion does it bear to the whole amount collected by you?

Eight-tenths.

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7. What amount have you paid out in coin?

About three thousand dollars.

8. What amount of coin had you on hand on the 15th January, 1859?

About one thousand dollars.

P. C. BENADUM, *Treasurer.*

Interrogatories to Treasurer of Fayette County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

Two-thirds.

3. What proportion in the notes of the specie paying banks of other States?

One-fourth.

4. Did you adhere to these requirements?

As well as I could.

5. What amount of the taxes were paid in coin?

$750.

6. What proportion does it bear to the whole amount collected by you?

Fortieth part.

7. What amount have you paid out in coin?

$50.

8. What amount of coin had you on hand on the 15th January, 1859?

$700.

The above have just come to hand, having gone first to Washington, Guernsey county.

Respectfully,

ROBERT STEWART,

Treasurer of Fayette County.

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Interrogatories to Treasurer of Franklin County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

I required all to be paid in the specie paying banks of Ohio.

3. What proportion in the notes of the specie paying banks of other States?

None.

4. Did you adhere to these requirements?

Did not strictly.

5. What amount of the taxes were paid in coin?

$2,535 71.

6. What proportion does it bear to the whole amount collected by you?

One-fifty-sixth of the amount collected.

7. What amount have you paid out in coin?

$4,251 28.

8. What amount of coin had you on hand on the 15th of January, 1859?

None which I collected as tax.

Interrogatories to the Treasurer of Gallia County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

I did not require any.

2. What proportion in the specie paying banks of Ohio?

I advertised to receive gold and silver or paper of specie paying banks of Ohio. I received about nine thousand dollars in Ohio paper.

3. What proportion in the notes of the specie paying banks of other States?

I received all notes on the specie paying banks of Virginia, Indiana, Kentucky and Pennsylvania.

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4. Did you adhere to these requirements?

I did not, from the fact that our circulation consists principally of the notes on Indiana, Virginia and Kentucky banks.

5. What amount of the taxes were paid in coin?

About twenty-five hundred.

6. What proportion does it bear to the whole amount collected by you?

About one-thirteenth.

7. What amount have you paid out in coin?

Near six hundred.

8. What amount of coin had you on hand on the 15th January, 1859?

About $2,700.

Interrogatories to Treasurer of Geauga County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

Not any. I asked the people to pay me what coin they could conveniently, and the balance in good specie paying bank paper.

2. What proportion in the specie paying banks of Ohio?

I have required none in particular; but have received full one-third in such paper. I think less than one-half.

3. What proportion in the notes of the specie paying banks of other States?

I have received near one-third in such paper, but some less than in Ohio. I can't tell you very near, as I kept no separate account of it.

4. Did you adhere to these requirements?

I adhered to all requirements that I made, but suppose I made none that you are asking about.

5. What amount of the taxes were paid in coin?

About fifteen hundred dollars.

6. What proportion does it bear to the whole amount collected by you?

Less than one-twentieth part.

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7. What amount have you paid out in coin?

Over thirteen hundred dollars, to this date.

8. What amount of coin had you on hand on the 15th January, 1859?

Near eight hundred dollars, I think.

Respectfully yours,

H. N. SPENCER,
County Treasurer.

Interrogatories to Treasurer of Greene County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

One-fourth.

2. What proportion in the specie paying banks of Ohio?

No definite proportion; receipts show about eighteen-twentieths of currency received.

3. What proportion in the notes of the specie paying banks of other States?

No definite proportion; receipts show about two-twentieths of currency received.

4. Did you adhere to these requirements?

Did as far as coin.

5. What amount of the taxes were paid in coin?

About one-fourth.

6. What proportion does it bear to the whole amount collected by you?

About one-fourth.

7. What amount have you paid out in coin?

Cannot tell; but have paid according to the requirements of the law.

8. What amount of coin had you on hand on the 15th January, 1859?

About $16,000.

D. MEDSKEE,
Treas. Greene Co.

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Interrogatories to Treasurer of Guernsey County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

My requirements were that the taxes should be paid either in specie or the notes of the branches of the State Bank of Ohio, or the Merchants & Mechanics' Bank of Wheeling, or the N. W. Bank of Virginia, at Wheeling.

2. What proportion in the specie paying banks of Ohio?

3. What proportion in the notes of the specie paying banks of other States?

4. Did you adhere to these requirements?

As far as above stated.

5. What amount of the taxes were paid in coin?

$2,500.

6. What proportion does it bear to the whole amount collected by you?

About one-twentieth.

7. What amount have you paid out in coin?

Cannot say; suppose $800.

8. What amount of coin had you on hand on the 15th January, 1859?

About $1,800.

WM. BORTON,
Treas. Guernsey Co.

Interrogatories to Treasurer of Hamilton County.

1. What proportion of the taxes, of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

About one-third was received on those banks.

3. What proportion in the notes of the specie paying banks of other States?

About two-thirds on the banks of Kentucky and Indiana.

4. Did you adhere to these requirements?

With few exceptions.

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5. What amount of the taxes were paid in coin?

About forty thousand dollars.

6. What proportion does it bear to the whole amount collected by you?

About one-twenty-fifth.

7. What amount have you paid out in coin?

About twenty-five thousand dollars.

8. What amount of coin had you on hand on the 15th January, 1859?

About one hundred thousand dollars.

GEO. FRIES, Tr.

Interrogatories to Treasurer of Hancock County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

I had to take it as it came.

3. What proportion in the notes of the specie paying banks of other States?

Amount not known.

4. Did you adhere to these requirements?

No.

5. What amount of the taxes were paid in coin?

About one-sixth, or $7,000.

6. What proportion does it bear to the whole amount collected by you?

One-seventh.

7. What amount have you paid out in coin?

About four thousand four hundred dollars.

8. What amount of coin had you on hand on the 15th January, 1859?

Two thousand six hundred dollars.

Respectfully, yours,

W. VANLUE,
Treas. Hancock Co.

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Interrogatories to Treasurer of Hardin County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

Did not require any.

2. What proportion in the specie paying banks of Ohio?

Did not keep account.

3. What proportion in the notes of the specie paying banks of other States?

All I could get.

4. Did you adhere to these requirements?

Yes.

5. What amount of the taxes were paid in coin?

Probably one thousand dollars.

6. What proportion does it bear to the whole amount collected by you?

One to thirty.

7. What amount have you paid out in coin?

Don't recollect.

8. What amount of coin had you on hand on the 15th January, 1859?

Don't know.

D. BANOR, Treas.

Interrogatories to Treasurer of Harrison County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

Three-quarters.

3. What proportion in the notes of the specie paying banks of other States?

One-quarter.

4. Did you adhere to these requirements?

No.

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5. What amount of the taxes were paid in coin?
One-twentieth.

6. What proportion does it bear to the whole amount collected by you?
As one to twenty.

7. What amount have you paid out in coin?
None.

8. What amount of coin had you on hand on the 15th of Jan., 1859?
Two thousand dollars.

JOHN RUSSELL,
Treas. Harrison Co.

Interrogatories to Treasurer of Highland County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?
I have required no part to be paid in coin.

2. What proportion in the specie paying banks of Ohio?
One-half.

3. What proportion in the notes of the specie paying banks of other States?
About one-half.

4. Did you adhere to these requirements?
I did not

5. What amount of taxes were paid in coin?
About five hundred dollars.

6. What proportion does it bear to the whole amount collected by you?
About one-half of one per cent.

7. What amount have you paid out in coin?
I have paid out nothing. I always ask those presenting orders if they will take the paper. They invariably do.

8. What amount of coin had you on hand on the 15th January, 1859?
Seventeen hundred and fifty dollors. I bought twelve hundred dollars in gold, and paid for it myself.

J. I. WOODROW,
Treas. Highland Co.

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Interrogatories to Treasurer of Hocking County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

Paid no attention; took all current bank money.

3. What proportion in the notes of the specie paying banks of other States?

Do not know what proportion; took all that was offered.

4. Did you adhere to these requirements?

I did not.

5. What amount of the taxes were paid in coin?

Just enough for change.

6. What proportion does it bear to the whole amount collected by you?

A very small proportion.

7. What amount have you paid out in coin?

None, except to make change.

8. What amount of coin had you on hand on the 15th January, 1859?

None, only a little to make change.

J. C. TOOLE,
Treasurer Hocktng County.

Interrogatories to Treasurer of Holmes County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

I did, at first, request but one-half, but could not get it; then took just what they pleased to pay.

2. What proportion in the specie paying banks of Ohio?

At least nine-tenths. I took some Pittsburgh paper and exchanged for State paper.

3. What proportion in the notes of the specie paying banks of other States?

Very little. Same on the Bank of State of Indiana.

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4. Did you adhere to these requirements?

As near as possible. Took small bills in order to make change.

5. What amount of the taxes were paid in coin?

About one-twelfth part, as near as I can tell. I have been paying out some, don't know how much.

6. What proportion does it bear to the whole amount collected by you?

About as above stated.

7. What amount have you paid out in coin?

I can not tell, not expecting such as call for it. I kept no account of it.

8. What amount of coin had you on hand on the 15th January, 1859?

Can not tell now.

Yours, respectfully,

JAS. McFADDEN.

A. P. Stone, Esq.

Interrogatories to Treasurer of Huron County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

I have *required* no part of the taxes to be paid in coin.

2. What proportion in the specie paying banks of Ohio?

I have *required* no part of the taxes to be paid in Ohio bank notes.

3. What proportion in the notes of the specie paying banks of other States?

No part of the taxes have been required to be paid in the notes of banks of other States. I have required the notes of such specie paying banks as could be readily converted into coin, or Ohio bank notes.

4. Did you adhere to these requirements?

5. What amount of the taxes were paid in coin?

From $2,000, to $2,500. I am not able to state the precise amount.

6. What proportion does it bear to the whole amout collected by you?

About four per cent.

7. What amount have you paid out in coin?

About twelve hundred and fifty dollars have been paid out for orders of $5, and under, since July 1, 1858.

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8. What amount of coin had you on hand on the 15th January, 1859?

Seventeen hundred and forty dollars.

C. A. PRESTON,
Treasurer of Huron County.

Interrogatories to Treasurer of Jackson County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

Not any.

2. What proportion in the specie paying banks of Ohio?

I took all current paper.

3. What proportion in the notes of the specie paying banks of other States?

I do not know.

4. Did you adhere to these requirements?

5. What amount of the taxes were paid in coin?

I kept no account of that.

6. What proportion does it bear to the whole amount collected by you?

7. What amount have you paid out in coin?

I have paid coin for all sums of five dollars, and under.

8. What amount of coin had you on hand on the 15th January, 1859?

I had on hand at that date, $2,334 00; and in bills of the branches of the State Bank of Ohio, $16,219 00, and have no other paper in the office.

Yours, respectfully,

JACOB WESTFALL,
Treasurer Jackson Co.

Interrogatories to Treasurer of Jefferson County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

None.

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3. What proportion in the notes of specie paying banks of other States?

None. I received the taxes in specie, or in the notes of good solvent, specie paying banks, as they were offered to me.

4. Did you adhere to these requirements?

I made no such requirements.

5. What amount of the taxes were paid in coin?

I kept no account.

6. What proportion does it bear to the whole amount collected by you?

I can not answer, having kept no account.

7. What amount have you paid out in coin?

All that was demanded under the law.

8. What amount of coin had you on hand on the 15th January, 1859?

I am unable to tell. In further answer, I will say this office was examined by an accountant appointed by the probate judge, who commenced his examination on the 27th December. On that day, the funds in my hands amounted to $36,565 07. Of this sum, $1,691 07 was in coin; about $10,000 Ohio notes; residue, of specie paying banks of other States. I think these are about the proportions of the funds in which the taxes were received.

JOHN McADAMS,
Treasurer of Jefferson County.

Interrogatories to Treasurer of Knox County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

I required every tax payer to make all the change in coin.

2. What proportion in the specie paying banks of Ohio?

The whole.

3. What proportion in the notes of the specie paying banks of other States?

None.

4. Did you adhere to these requirements?

Yes, strictly.

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5. What amount of the taxes were paid in coin?

About five thousand dollars.

6. What proportion does it bear to the whole amount collected by you?

Seven and fourteen-one-hundredths per cent.

7. What amount have you paid out in coin?

As near as I can estimate, one thousand and fifty dollars of the coin collected on the 1858 duplicate.

8. What amount of coin had you on hand on the 15th January, 1859?

Four thousand thirty-nine dollars and seventy-one cents.

Interrogatories to Treasurer of Lake County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

Twenty per cent., at first, but on account of the inconvenience of making change, and multiplicity of words, I abandoned the idea, and concluded to provide the necessary coin at my own expense.

2. What proportion in the specie paying banks of Ohio?

About $24,750.

3. What proportion in the notes of the specie paying banks of other States?

$5,050.

4. Did you adhere to these requirements?

Not strictly.

5. What amount of taxes were paid in coin?

$3,200.

6. What proportion does it bear to the whole amount collected by you?

One-tenth.

7. What amount have you paid out in coin?

$1,600.

8. What amount of coin had you on hand on the 15th January, 1859?

$2,000.

S. E. CARTER, *Treasurer.*

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Interrogatories to Treasurer of Lawrence County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

One-third.

2. What proportion in the specie paying banks of Ohio?

All.

3. What proportion in the notes of the specie paying banks of other States?

All.

4. Did you adhere to these requirements?

Yes.

5. What amount of taxes were paid in coin?

Nine thousand three hundred dollars.

6. What proportion does it bear to the whole amount collected by you?

Near one-third.

7. What amount have you paid out in coin?

I do not know.

8. What amount of coin had you on hand on the 15th January, 1859?

About nine thousand dollars.

JOHN SNYDER,
Treas. Lawrence Co.

Interrogatories to Treasurer of Logan County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

I did not require any coin at the December collection, but received $2,200.

2. What proportion in the specie paying banks of Ohio?

I required all taxes of 1858 in the specie paying banks of this State.

3. What proportion in the notes of the specie paying banks of other States?

None. Refused all, and some of the banks of Ohio which have been in bad credit heretofore.

4. Did you adhere to these requirements?

I adhered to the requirements above specified.

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5. What amount of the taxes were paid in coin?

About $2,200, out of $42,000 collected.

6. What proportion does it bear to the whole amount collected by you?

A little above one-twentieth part.

7. What amount have you paid out in coin?

Perhaps not much over $1,000, since July 4th, 1858.

8. What amount of coin had you on hand on the 15th January, 1859?

About $2,000.

I intend, hereafter, to require a portion in coin.

Respectfully,

J. M. KELLEY,

Treasurer of Logan County.

Interrogatories to Treasurer of Lorain County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

Made no requirement.

2. What proportion in the specie paying banks of Ohio?

Made no requirement—took nothing but what I considered as good as Ohio notes.

3. What proportion in the notes of specie paying banks of other States?

Can't tell—took nothing but good funds.

4. Did you adhere to these requirements?

Yes.

5. What amount of the taxes were paid in coin?

A very *very* small amount.

6. What proportion does it bear to the whole amount collected by you?

About one-thirtieth.

7. What amount have you paid out in coin?

I cannot tell; redeem orders as per statute.

8. What amount of coin had you on hand on the 15th January, 1859?

Can't tell; but had more than was necessary to comply with the law.

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Interrogatories to Treasurer of Lucas County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

None. I was glad to get any current money.

3. What proportion in the notes of the specie paying banks of other States?

Probably about three-fourths, of other States.

4. Did you adhere to these requirements?

5. What amount of the taxes were paid in coin?

About one-twentieth part.

6. What proportion does it bear to the whole amount collected by you?

One-twentieth part.

7. What amount have you paid out in coin?

I have not paid out any more than I have collected in, for the reason that I did not deem it expedient to pay a bonus for specie in this county.

8. What amount of coin had you on hand on the 15th January, 1859?

$3,500.

SAM'L BLANCHARD, *Treasurer.*

Interrogatories to Treasurer of Madison County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

Whatever was offered.

3. What proportion in the notes of the specie paying banks of other States?

All that I could get.

4. Did you adhere to these requirements?

To the letter.

5. What amount of the taxes were paid in coin?

I kept no account—very little.

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6. What proportion does it bear to the whole amount collected by you?

I don't know.

7. What amount have you paid out in coin?

As much as the law required; perhaps about eight hundred dollars.

8. What amount of coin had you on hand on the 15th January, 1859?

I don't know.

WM. T. DAVIDSON,
Treasurer of Madison County.

Interrogatories to Treasurer of Mahoning County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

I required the taxes to be paid in "gold, silver, and notes of specie paying banks of Ohio, only," leaving it with the tax-payer.

2. What proportion in the specie paying banks of Ohio?

All, as above stated. Made no particular part to be paid in coin, but received the whole tax in Ohio paper, if desired.

3. What proportion in the notes of the specie paying banks of other States?

Made no such requirement.

4. Did you adhere to these requirements?

I departed from the above requirement to the amount of about $3,000, that I received mainly on Pittsburgh banks.

5. What amount of the taxes were paid in coin?

About $4,300.

6. What proportion does it bear to the whole amount collected by you?

About 11 per cent.

7. What amount have you paid out in coin?

As near as I can get at the amount, is $700.

8. What amount of coin had you on hand on the 15th January, 1859?

About $4,000, collected on duplicate of 1858.

HOSEA HOOVER,
Treasurer of Mahoning County.

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Interrogatories to Treasurer of Marion County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None. For the reason that I think I could not have adhered to it strictly without subjecting the tax-payers to great trouble and cost.

2. What proportion in the specie paying banks of Ohio?

None. But instructed, and requested them to provide for taxes in Ohio currency, as far as was in their power.

3. What proportion in the notes of the specie paying banks of other States?

None. I think, however, that I received about one-fifth on banks out of the State.

4. Did you adhere to these requirements?

I did. For, as I have stated, I made no special and positive requirement, for the very obvious reason, that I was glad to receive the tax in any currency that I could exchange for Ohio.

5. What amount of the taxes were paid in coin?

About one-half as much as I needed for change—in receiving.

6. What proportion does it bear to the whole amount collected by you?

7. What amount have you paid out in coin?

About $15, on orders; in all other cases they preferred the currency.

8. What amount of coin had you on hand on the 15th January, 1859?

Not any, as I now remember.

A. D. MATTHEW,
Treasurer of Marion County.

Interrogatories to Treasurer of Medina County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

All sums less than one dollar.

2. What proportion in the specie paying banks of Ohio?

The whole.

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3. What proportion in the notes of the specie paying banks of other States?

4. Did you adhere to these requirements?

No.

5. What amount of the taxes were paid in coin?

About $3,000.

6. What proportion does it bear to the whole amount collected by you?

About one-fifteenth.

7. What amount have you paid out in coin?

$1,000.

8. What amount of coin had you on hand on the 15th January, 1859?

$2,000.

SAMUEL B. CURTIS,
Treasurer.

Interrogatories to Treasurer of Miami County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

In my notice to tax-payers, I required one-fourth in specie.

2. What proportion in the specie paying banks of Ohio?

Not any. And I can not tell what proportion I did receive.

3. What proportion in the notes of the specie paying banks of other States?

I required the currency of banks of this State, and other States, that was considered good and safe. No wild-cat money received.

4. Did you adhere to these requirements?

I did.

5. What amount of the taxes were paid in coin?

About one-tenth.

6. What proportion does it bear to the whole amount collected by you?

Answer, as above, about one-tenth.

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7. What amount have you paid out in coin?

I have paid out in coin about four thousand, up to this time; and have on hand to-day, thirty-seven hundred.

8. What amount of coin had you on hand on the 15th January, 1859?

I should think I had about forty-five hundred. Some guess work about the above, but it is not far from the facts in the case.

GEO. A. MURRAY.

Feb'y. 18, 1859.

Interrogatories to Treasurer of Montgomery County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

I made no such requirements, and know of no law requiring me to do so.

2. What proportion in the specie paying banks of Ohio?

I made no specified requirements in this particular. Took none other than specie paying bank paper of this or any other State.

3. What proportion in the notes of the specie paying banks of other States?

4. Did you adhere to these requirements?

Not further than above stated.

5. What amount of the taxes were paid in coin?

About twelve thousand dollars. Kept no account and therefore can't state the precise amount.

6. What proportion does it bear to the whole amount collected by you?

About six per cent.

7. What amount have you paid out in coin?

About eight thousand dollars.

8. What amount of coin had you on hand on the 15th January, 1859?

Eight thousand five hundred dollars.

JON. KENNEY,

Treasurer of Montgomery Co.

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Interrogatories to Treasurer of Morrow County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

In publishing my notice, I required all sums under $5 to be paid in coin, but did not adhere to the requirement, for the reason that tax payers were unable to procure coin, and I had to receive current bank paper or suffer taxes to go unpaid.

2. What proportion in the specie paying banks of Ohio?

I made no requirement.

3. What proportion in the notes of the specie paying banks of other States?

I made no requirement.

4. Did you adhere to these requirements?

I did not. (*As answered above*).

5. What amount of the taxes were paid in coin?

Perhaps one thousand dollars. I kept no specie account. It did not exceed twelve hundred dollars.

6. What proportion does it bear to the whole amount collected by you?

About one-fortieth part of the total collections.

7. What amount have you paid out in coin?

It would be difficult to answer, having kept no coin account. In order to comply with the requirements of section 14 of the sub-treasury act, I had to be at the expense of sending to New York to buy $1,000 in coin.

8. What amount of coin had you on hand on the 15th January, 1859?

I couldn't state, not having counted it on that day to my recollection.

SMITH THOMAS,
Treasurer of Morrow Co.

Interrogatories to Treasurer of Muskingum County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

About one-fourth.

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2. What proportion in the specie paying banks of Ohio?

About one-half.

3. What proportion in the notes of the specie paying banks of other States?

About one-fourth.

4. Did you adhere to these requirements?

As a general thing we did.

5. What amount of the taxes were paid in coin?

About one-fourth of the collections.

6. What proportion does it bear to the whole amount collected by you?

At present this question cannot be answered, settlement not being concluded.

7. What amount have you paid out in coin?

To this I have no means of giving a definite answer, but complied strictly with the law regulating specie payments.

8. What amount of coin had you on hand on the 15th January, 1859?

About eighteen thousand dollars.

WILLIAM LYNN,
Treasurer of Muskingum Co.

Interrogatories to Treasurer of Paulding County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

No definite proportion.

2. What proportion in the specie paying banks of Ohio?

No definite proportion.

3. What proportion in the notes of the specie paying banks of other States?

No definite proportion.

4. Did you adhere to these requirements?

I made none to adhere to. Specie was required when in possession of tax payers.

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6. What amount of the taxes were paid in coin?

About five thousand two hundred dollars.

6. What proportion does it bear to the whole amount collected by you?

It is about three-tenths of the whole amount.

7. What amount have you paid out in coin?

Probably five hundred dollars.

8. What amount of coin had you on hand on the 15th January, 1859?

About $5,200, the whole amount received.

JAMES M. RUSSELL,
Treasurer of Paulding Co.

Interrogatories to Treasurer of Perry County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

Twenty-five cents on the dollar.

2. What proportion in the specie paying banks of Ohio?

Seventy-five cents on the dollar.

3. What proportion in the notes of the specie paying banks of other States?

None.

4. Did you adhere to these requirements?

I did.

5. What amount of the taxes were paid in coin?

One-fourth.

6. What proportion does it bear to the whole amount collected by you?

Twenty-five per cent.

7. What amount have you paid out in coin?

I paid out all sums of five dollars and under.

8. What amount of coin had you on hand on the 15th January, 1859?

$10,277 62.

M. J. FORQUER,
Treasurer Perry Co.

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Interrogatories to Treasurer of Pickaway County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

Not any; knew I could not get it. Suppose I should have refused it had it been offered.

2. What proportion in the specie paying banks of Ohio?

No specific amount. Received, however, all of that kind that was offered.

3. What proportion in the notes of the specie paying banks of other States?

Entirely discretionary with the tax payers. Glad to get anything that represented money; have no idea of the amount.

4. Did you adhere to these requirements?

I did strictly in every particular.

5. What amount of the taxes were paid in coin?

None except change, and not much of that.

6. What proportion does it bear to the whole amount collected by you?

As one cent to a thousand dollars near as I can judge.

7. What amount have you paid out in coin?

Just enough to make even dollars when orders were over, and enough to pay them when they were less, and no more.

8. What amount of coin had you on hand on the 15th of January, 1859?

About thirty-five dollars, as near as I can tell.

Very respectfully,

WILLIAM DOANE,

Treasurer of Pickaway Co.

Interrogatories to Treasurer of Pike County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

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2. What proportion in the specie paying banks of Ohio?

All.

3. What proportion in the notes of the specie paying banks of other States?

None.

4. Did you adhere to these requirements?

I did as closely as I could.

5. What amount of the taxes were paid in coin?

A little more than to keep up my change.

6. What proportion does it bear to the whole amount collected by you?

The last answer will cover this.

7. What amount have you paid out in coin?

I have accommodated all with coin that would receive it; generally preferring to take good paper instead.

8. What amount of coin had you on hand on the 15th January, 1859?

About $250.

JAMES JONES,
Treasurer of Pike Co.

Interrogatories to Treasurer of Portage County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

One-fourth.

2. What proportion in the specie paying banks of Ohio?

Three-fourths.

3. What proportion in the notes of the specie paying banks of other States?

None.

4. Did you adhere to these requirements?

I did not.

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5. What amount of the taxes were paid in coin?

About four thousand dollars.

6. What proportion does it bear to the whole amount collected by you?

One-fifteenth.

7. What amount have you paid out in coin?

All orders on the treasury since July 4, 1858—for $5 or less.

8. What amount of coin had you on hand on the 15th January, 1859?

Four thousand two hundred and fifty dollars.

H. L. CARTER,
Deputy Treas.

Interrogatories to Treasurer of Preble County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

At the outset—supposing that the orders which the law required to be paid in coin, would amount to one-fourth of all issued—I required one-fourth of the taxes to be thus paid.

2. What proportion in the specie paying banks of Ohio?

I made no difference between the specie paying banks of Ohio, and those of Indiana and Kentucky.

3. What proportion in the notes of the specie paying banks of other States?

The above answer will include this.

4. Did you adhere to these requirements?

So far as practicable I did.

5. What amount of the taxes were paid in coin?

I cannot state the precise amount, but it will vary but little from ten thousand dollars.

6. What proportion does it bear to the whole amount collected by you?

About one-seventh.

7. What amount have you paid out in coin?

I have paid out coin in strict conformity to law.

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8. What amount of coin had you on hand on the 15th January, 1859?

Cannot state pricisely, but the note below will indicate the amount proximately.

JOSEPH BROWER,
Treas. Preble Co.

NOTE. The funds on hand February 5th ult., were counted, at which time there was $8,837 82 in coin on hand.

Interrogatories to Treasurer of Richland County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

All.

3. What proportion in the notes of the specie paying banks of other States?

4. Did you adhere to these requirements?

Not strictly.

5. What amount of the taxes were paid in coin?

About five thousand dollars.

6. What proportion does it bear to the whole amount collected by you?

One-fourteenth.

7. What amount have you paid out in coin?

Three or four thousand dollars.

8. What amount of coin had you on hand on the 15th January, 1859?

Three thousand dollars.

Interrogatories to Treasurer of Ross County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

The whole amount.

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3. What proportion in the notes of the specie paying banks of other States?

None.

4. Did you adhere to these requirements?

Not strictly.

5. What amount of the taxes were paid in coin?

Not over five hundred dollars.

6. What proportion does it bear to the whole amount collected by you?

Amount received about ninety-six thousand dollars.

7. What amount have you paid out in coin?

Fifteen hundred dollars.

8. What amount of coin had you on hand on the 15th January, 1859?

Four hundred dollars.

ADDISON PEARSON,
Treas. Ross Co.

Interrogatories to Treasurer of Sandusky County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

Not one dollar.

2. What proportion in the specie paying banks of Ohio?

About nine-tenths.

3. What proportion in the notes of the specie paying banks of other States?

One-tenth.

4. Did you adhere to these requirements?

5. What amount of the taxes were paid in coin?

About two thousand dollars.

6. What proportion does it bear to the whole amount collected by you?

One-twentieth.

7. What amount have you paid out in coin?

Two hundred dollars.

8. What amount of coin had you on hand on the 15th January, 1859?

Two thousand dollars.

WILSON M. STARKE.

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Interrogatories to Treasurer of Scioto County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

About one-fourths.

2. What proportion in the specie paying banks of Ohio?

Three-fourth.

3. What proportion in the notes of the specie paying banks of other States?

Received only when I could not get State paper.

4. Did you adhere to these requirements?

As near as I could to get the tax.

5. What amount of the taxes were paid in coin?

About five thousand dollars, and say five thousand dollars Portsmouth paper, which is the same.

6. What proportion does it bear to the whole amount collected by you?

About one-tenth.

7. What amount have you paid out in coin?

Since July last, about three thousand dollars.

8. What amount of coin had you on hand on the 15th of Jan., 1859?

About four thousand five hundred dollars.

Respectfully yours,

S. R. CUMMINS.

Interrogatories to Treasurer of Seneca County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

One-fourth.

2. What proportion in the specie paying banks of Ohio?

3. What proportion in the notes of the specie paying banks of other States?

Three-fourths.

4. Did you adhere to these requirements?

As near as practicable.

5. What amount of the taxes were paid in coin?

About seventeen thousand dollars.

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6. What proportion does it bear to the whole amount collected by you?

As seventeen to sixty-three.

7. What amount have you paid out in coin?

I do not know.

8. What amount of coin had you on hand on the 15th January, 1859?

Cannot tell.

L. E. HOLTZ,
Treas. Seneca Co.

Interrogatories to Treasurer of Shelby County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

I did not require any part of the taxes to be paid in specie.

2. What proportion in the specie paying banks of Ohio?

I required, for the payment of taxes, bills of specie paying banks of Ohio, Kentucky, the bank of the State of Indiana, and North-western Bank of Virginia.

3. What proportion in the notes of the specie paying banks of other States?

Answered in first and second.

4. Did you adhere to these requirements?

Answered in first and second.

5. What amount of the taxes were paid in coin?

I cannot answer, as I kept no account, but received specie when offered, and paid all orders of five dollars and under in specie.

6. What proportion does it bear to the whole amount collected by you?

Kept no account.

7. What amount have you paid out in coin?

Kept no account.

8. What amount of coin had you on hand on the 15th January, 1859?

The amount of coin on hand, $3,800. The duplicate amounts to a fraction over $73,000. Amount collected about four-sixths.

Very Respectfully,

JOHN DUNCAN,
Treas. Shelby Co.

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Interrogatories to Treasurer of Stark County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

Not any.

2. What proportion in the specie paying banks of Ohio?

The whole amount was required to be paid in currency of specie paying banks of Ohio.

3. What proportion in the notes of the specie paying banks of other States?

Not any.

4. Did you adhere to these requirements?

I did.

5. What amount of the taxes were paid in coin?

From seven to ten thousand dollars.

6. What proportion does it bear to the whole amount collected by you?

About one dollar in specie to thirteen in paper currency.

7. What amount have you paid out in coin?

I don't know; from the fact that I often pay out specie in preference to paper currency.

8. What amount of coin had you on hand on the 15th January, 1859?

From eight to twenty thousand dollars.

Interrogatories to Treasurer of Summit County.

1. What proportion of the taxes, of 1858 have you required to be paid in coin?

No part.

2. What proportion in the specie paying banks of Ohio?

I adopted no rule as to collecting in Ohio funds, but the collections were about two-thirds in the paper of Ohio specie paying banks.

3. What proportion in the notes of the specie paying banks of other States?

No rule, but collected about one-third, or nearly that, of banks other than Ohio.

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4. Did you adhere to these requirements?

5. What amount of the taxes were paid in coin?

About two thousand dollars.

6. What proportion does it bear to the whole amount collected by you?

About one-thirty-eighth.

7. What amount have you paid out in coin?

$600.

8. What amount of coin had you on hand on the 15th January, 1859?

$1,400.

H. SISLER,
Treas. Summit Co.

Interrogatories to Treasurer of Trumbull County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

Entire amount

3. What proportion in the notes of the specie paying banks of other States?

Such as would pass current in county has been taken, when Ohio funds could not be procured—the same being kept in circulation.

4. Did you adhere to these requirements?

As far as possible.

5. What amount of the taxes were paid in coin?

Cannot say.

6. What proportion does it bear to the whole amount collected by you?

Cannot say.

7. What amount have you paid out in coin?

All that the law required.

8. What amount of coin had you on hand on the 15th January, 1859?

Cannot say, having kept no minutes by which I can tell.

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Interrogatories to Treasurer of Union County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

Not a dime, further than to say: Please, gentlemen, make me the small change if convenient.

2. What proportion in the specie paying banks of Ohio?

Altogether discretionary with the tax payers; but, perhaps, received one-half.

3. What proportion in the notes of the specie paying banks of other States?

The other half, of course.

4. Did you adhere to these requirements?

I did, and in so doing, have the approbation of the tax payers; and will lose less by a very large amount than the resolution calling forth these interrogatories will cost the tax payers of the State of Ohio.

5. What amount of taxes were paid in coin?

About one-hundredth part, as near as I could etimate from recollection.

6. What proportion does it bear to the whole amount collected by you?

In proportion as one is to one hundred, (about.)

7. What amount have you paid out in coin?

All that the law requires in every single instance. Further than this, I have no means of determining, as I almost invariably got the coin back after first paying it out, by exchanging good bankable paper for it; and this, oftener by request of parties drawing than otherwise.

8. What amount of coin had you on hand on the 15th January, 1859?

I have no recollection of counting it precisely on that day. May have had ten, perhaps twenty dollars. Seldom less, or seldom more; but always a plenty to meet all orders according to law.

Interrogatories to Treasurer of Van Wert County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

2. What proportion in the specie paying banks of Ohio?

The entire amount was required to be paid in specie paying banks of Ohio, and the bank of the State of Indiana.

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3. What proportion in the notes of the specie paying banks of other States?

4. Did you adhere to these requirements?

5. What amount of the taxes were paid in coin?
Two thousand two hundred dollars.

6. What proportion does it bear to the whole amount collected by you?
One-eleventh.

7. What amount have you paid out in coin?
Not any.

8. What amount of coin had you on hand on the 15th January, 1859?
Three thousand dollars.

Interrogatories to Treasurer of Warren County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?
One-fourth.

2. What proportion in the specie paying banks of Ohio?
Three-fourths.

3. What proportion in the notes of the specie paying banks of other States?

4. Did you adhere to these requirements?
As a general thing.

5. What amount of the taxes were paid in coin?
About one-sixth.

6. What proportion does it bear to the whole amount collected by you?

7. What amount have you paid out in coin?

8. What amount of coin had you on hand on the 15th January, 1859?
Four thousand six hundred dollars.

H. HOPKINS,
Treas. Warren Co.

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Interrogatories to Treasurer of Washington County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

None.

3. What proportion in the notes of the specie paying banks of other States?

None.

4. Did you adhere to these requirements?

I adhered to the law.

5. What amount of the taxes were paid in coin?

About five thousand dollars.

6. What proportion does it bear to the whole amount collected by you?

One-twelfth.

7. What amount have you paid out in coin?

Can't tell; perhaps two thousand dollars.

8. What amount of coin had you on hand on the 15th January, 1859?

Four thousand dollars; *perhaps.*

E. B. LEGET,
Treasurer of Washington Co.

Interrogatories to Treasurer of Wayne County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

2. What proportion in the specie paying banks of Ohio?

All.

3. What proportion in the notes of the specie paying banks of other States?

None.

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4. Did you adhere to these requirements?

As near as practicable.

5. What amount of the taxes were paid in coin?

About two per cent.

6. What proportion does it bear to the whole amount collected by you?

About two per cent.

7. What amount have you paid out in coin?

Thirty thousand dollars.

8. What amount of coin had you on hand on the 15th January, 1859?

Twenty thousand dollars.

Interrogatories to Treasurer of Williams County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

None.

What proportion in the specie paying banks of Ohio?

All—in Ohio and bank of the State of Indiana.

3. What proportion in the notes of the specie paying banks of other States?

None.

4. Did you adhere to these requirements?

I have never seen any such requirements—but have seen requirements to *pay out* certain portions in coin.

5. What amount of the taxes were paid in coin?

A little more than one-fourth of the money part.

6. What proportion does it bear to the whole amount collected by you?

One-sixth.

What amount have you paid out in coin?

None. I have made no disbursements yet.

8. What amount of coin had you on hand on the 15th January, 1859?

About $5,000

N. B. TOWNSEND, *Treasurer.*

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Interrogatories to Treasurer of Wyandot County.

1. What proportion of the taxes of 1858 have you required to be paid in coin?

One-tenth.

2. What proportion in the specie paying banks of Ohio?

Nine-tenths.

3. What proportion in the notes of the specie paying banks of other States?

Not any.

4. Did you adhere to these requirements?

Just so far as I could do so.

5. What amount of the taxes were paid in coin?

Have no means of knowing exactly, but judge between two and three thousand dollars.

6. What proportion does it bear to the whole amount collected by you?

About one-twelfth.

7. What amount have you paid out in coin?

Do not know; probably five or six hundred dollars.

8. What amount of coin had you on hand on the 15th January, 1859?

Probably two thousand dollars.

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LIST OF THE MEMBERS OF THE OHIO STATE SENATE.

NAMES.	COUNTY.	POST OFFICE.	PLACE OF NATIVITY.	AGE.	YEARS IN STATE.	OCCUPATION.	MARRIED OR SINGLE.
Ashmun, G. P.	Summitt	Hudson	New York	40	26	Physician	Married
Buckland, R. P.	Sandusky	Fremont	Massachusetts	47	46	Lawyer	Married
Canfield, Herman	Medina	Medina	Ohio	41	41	Lawyer	Married
Cadwell, D.	Ashtabula	Jefferson	Ohio	37	37	Lawyer	Married
Cantwell, J.	Richland	Mansfield	Ohio	47	47	Farmer	Married
Cass, A. L.	Coshocton	Coshocton	Ohio	40	40	Physician	Married
Chapman, T. W.	Stark	Navaree	Virginia	44	21	Farmer	Married
Corwine, G.	Pike	Piketon	Ohio	41	41	Banker	Married
Gard, J. N.	Darke	Greenville	Ohio	48	48	Physician	Married
Gatch, C. H.	Hardin	Kenton	Ohio	33	33	Lawyer	Married
Green, Davis	Washington	Marietta	Virginia	37	37	Lawyer	Married
Hatch, Wm. S.	Hamilton	Cincinnati	Massachusetts	60	54	Retired Merchant	Single
Henkle, S. S.	Clark	Springfield	Ohio	30	30	Lawyer	Married
Holloway, Isaac	Belmont	Flushing	Virginia	53	31	Merchant	Married
Kincaid, W. P.	Clermont	Neville	Ohio	39	39	Physician	Married
Langdon, E. B.	Hamilton	Columbia	Ohio	31	31	Farmer	Single
McCleary, J. C.	Jefferson	Warrenton	Ohio	44	44	Lawyer	Married
McKelly, R.	Wyandot	Upper Sandusky	Pennsylvania	43	24	Lawyer	Married
Miles, D.	Morrow	Chesterville	Pennsylvania	44	42	Farmer	Married
Morrow, Marshall	Monroe	Woodsfield	Pennsylvania	45	44	Bricklayer	Married
Murdock, P.	Vinton	Dundas	Maryland	56	41	Farmer	Married
Perkey, D. J.	Holmes	Mt. Hope	Pennsylvania	50	40	Farmer	Married
Perrill, A. L.	Pickaway	Lithopolis	Virginia	52	42	Farmer	Married
Phelps, E. M.	Auglaize	St. Marys	Connecticut	45	30	Lawyer	Married
Reid, W. P.	Delaware	Delaware	Ohio	32	32	Lawyer	Single
Safford, Wm. H.	Ross	Chillicothe	Virginia	37	10	Lawyer	Married
Shidler, Henry	Preble	Eaton	Ohio	38	38	Farmer	Married
Schleich, Newton	Fairfield	Lancaster	Ohio	31	31	Lawyer	Married
Slade, Wm.	Cuyahoga	Cleveland	Vermont	41	21	Lawyer	Married
Smith, L.	Warren	Lebanon	New York	39	18	Lawyer	Married
Taylor, R. W.	Mahoning	Youngstown	Pennsylvania	46	43	Cashier	Married

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Thomas, C.	Hamilton	Cincinnati	Pennsylvania	50	29	Confectioner	Married
Vanatta, E.	Perry	New Lexington	Ohio	35	35	Physician	Married
Westcott, J. M.	Wood	Perrysburgh	New York	49	6	Citizen	Married
Winans, J. J.	Greene	Xenia	Kentucky	40	40	Lawyer	Married
Welker, Martin, *Lieutenant Governor*	Wayne	Wooster	Ohio	39	39	Lawyer	Married
Blair, C. W., *Chief Clerk*	Clinton	Wilmington	Ohio	30	30	Lawyer	Married
Van Deman, J. H., 1*st Assistant Clerk*	Delaware	Delaware	Ohio	29	29	Physician	Married
Connolly, J. A., 2d " "	Morrow	Mt. Gilead	New Jersey	22	11	Law Student	Single
Hutchins, L., *Sergeant-at-Arms*	Hocking	Logan	Ohio	39	39	Saddler	Married
Culbertson, J., 1*st Assistant*	Wyandot	Upper Sandusky	Pennsylvania	55	47	Hatter	Married
Phelps, E., 2d "	Mercer	Celina	Connecticut	35	18	Citizen	Married
Marshall, J. B., *Official Reporter*	Franklin	Columbus	Kentucky	48	5	Editor	Married

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